

## SEVENTY-SEVENTH DAY (Continued)—WEDNESDAY, MAY 19, 1971

The House met at 9:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Doran	Kubiak	Rosson
Adams	Dramberger	Lemmon	Salem
Agnich	Earthman	Lewis	Salter
Allen, Joe	Finck	Lombardino	Sanchez
Allen, John	Finnell	Longoria	Schulle
Atwell	Floyd	Lovell	Semos
Baker	Golman	McKissack	Shannon
Bass, T.	Grant	Mengden	Slater
Beckham	Graves	Moncrief	Slack
Blanton	Hale	Moore, A.	Slider
Blythe	Hanna, Joe	Moore, T.	Smith
Boyle	Harding	Murray	Spurlock
Braecklein	Harris	Nabers	Stewart
Burgess	Hawkins	Nelms	Swanson
Bynum	Hawn	Newton	Traeger
Caldwell	Head	Nichols	Tupper
Cavness	Heatly	Nugent, J.	Uher
Christian	Hendricks	Ogg	Vale
Clark	Hilliard	Parker, C.	Ward
Clayton	Holmes, T.	Parker, W.	Wieting
Cobb	Hubenak	Pickens	Williams
Cole	Johnson	Poerner	Williamson
Craddick	Jones, D.	Poff	Wolff
Davis, D.	Jones, G.	Presnal	
Davis, H.	Jungmichel	Price	
Denton	Kaster	Reed	

## Absent

Allred	Doyle	Kilpatrick	Sherman
Angly	Farenthold	Kost	Short
Atwood	Finney	Lee	Simmons
Bass, B.	Foreman	Ligarde	Solomon
Bigham	Gammage	McAlister	Stroud
Bowers	Garcia	Moore, G.	Tarbox
Braun	Hannah, John	Moreno	Truan
Calhoun	Haynes	Neugent, D.	Von Dohlen
Carrillo	Holmes, Z.	Niland	Wayne
Cates	Howard	Patterson	Wyatt
Coats	Hull	Rodriguez	
Cruz	Jones, E.	Santiesteban	

## Absent-Excused

Daniel	Ingram	Orr
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A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for today on account of important business:

Mr. Ingram, for today and the remainder of the week, on motion of Mr. Boyle.

Mr. Orr on motion of Mr. Ogg.

The following Member was granted leave of absence for today on account of illness:

Mr. Daniel on motion of Mr. Adams.

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Representatives Bill Bass, Haynes, Bigham, Solomon, Kilpatrick, Short, Tarbox, Calhoun, Patterson, Howard, Doyle, Cates, and Foreman entered the House and were announced present.

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CONSIDERATION OF BILLS ON THE LOCAL AND  
CONSENT CALENDAR

In accordance with a previous motion, the House proceeded to the consideration of bills on the Local and Consent Calendar.

SB 818 ON SECOND READING  
(Mr. Harris—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 818, Providing for the minimum salary of the Judge of County Court No. 2 of Galveston County.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 818 as follows:

In line 33 delete the word "less" and insert in lieu thereof the word "more."

In line 35 after the word "Texas" insert a period and delete the balance of the sentence.

The committee amendment was adopted without objection.

SB 818, as amended, was passed to third reading.

SB 832 ON SECOND READING  
(Mr. Cavness—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 832, Authorizing the Texas State Department of Health to receive by gift certain land in Nueces County for public health purposes.

The bill was read second time and was passed to third reading.

SB 900 ON SECOND READING  
(Mr. Doyle—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 900, Authorizing commissioners courts to fix compensation for commissioners of drainage districts in counties having a certain population.

The bill was read second time.

Mr. Clayton offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 900 by adding the following at the end of Section 2:

“Provided, however, that such tax increase shall first be approved by a vote of the qualified electors in the district voting in an election held in accordance with the election laws of the state.”

Committee Amendment No. 2

Amend the caption of SB 900 to conform to the body of the bill.

The committee amendments were severally adopted without objection.

SB 900, as amended, was passed to third reading.

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Representative Farenthold entered the House and was announced present.

SB 47 ON SECOND READING  
(Mr. Wieting—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 47, Restoring jurisdiction to the County Court of La Salle County, Texas, and conforming jurisdiction of the District Court of the 81st Judicial District.

The bill was read second time and was passed to third reading.

SB 5 ON SECOND READING  
(Mr. Floyd—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 5, Relating to microfilming and retention of records by counties.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Nabers and Traeger requested to be recorded as voting Nay on passage to third reading of SB 5.

HB 1107 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1107, Providing that land may be annexed to Harris County Utility District No. 1 in a certain manner.

The bill was read second time and was passed to engrossment.

VOTES RECORDED

Representatives Braun and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1107.

HB 118 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 118, Providing for the appointment by the District Judge of the 69th Judicial District of an official shorthand reporter for such judicial district.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 118, First Printing, by striking, on lines 31-32 of page 1, the words "less than \$10,500 per annum, nor".

The committee amendment was adopted without objection.

HB 118, as amended, was passed to engrossment.

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Representative Edmund Jones entered the House and was announced present.

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#### HB 298 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 298, Providing for the appointment by the District Judge of the 84th Judicial District of Texas of an official shorthand reporter for such judicial district.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

##### Committee Amendment No. 1

Amend HB 298, First Printing, by striking on lines 32-33 of page 1, the words "less than Eighty-five Hundred Dollars (\$8,500.00) per annum, nor".

The committee amendment was adopted without objection.

HB 298, as amended, was passed to engrossment.

#### HB 1384 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1384, Creating Harris County Utility District No. 14.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

##### Committee Amendment No. 1

Amend HB 1384 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Harris County Utility District No. 14, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being a tract or parcel containing 313.508 acres of land in Block 4, Section 13 of the W.C.R.R. Co. Survey A-922, Harris County, Texas and being more particularly described by metes and bounds as follows, all bearings referenced to the Texas Coordinate System, South Central Zone;

Commencing at a point for reference, a 2" Galvanized Iron Pipe recognized as the southeast corner of the said W.C.R.R. Survey, A-922, said point being on the south line of a 50.00 foot wide road conveyed to Harris County as recorded in Volume 787, Page 701 of the Harris County Deed Records;

Thence N 02° 35' 49" W, for a distance of 50.08 feet to the Point of Beginning on the north line of said 50.00 feet wide road;

Thence with the east line of the said W.C.R.R. Co. Survey A-922 the following courses and distances;

N 02° 35' 49" W, for a distance of 899.66 feet to a point for corner;

N 02° 22' 41" W, for a distance of 150.28 feet to a point for corner;

N 02° 29' 08" W, for a distance of 1549.06 feet to a point for corner;

Thence leaving the east line of the said W.C.R.R. Survey A-922, S 87° 28' 42" W, for a distance of 5252.88 feet to a point for corner on the east line of North Houston Bammel Road;

Thence with the east line of said North Houston Bammel Road the following courses and distances;

S 02° 25' 41" E, for a distance of 1558.13 feet to a point for corner;

S 02° 43' 34" E, for a distance of 150.19 feet to a point for corner;

S 02° 20' 34" E, for a distance of 739.39 feet to a point for corner;

S 00° 14' 47" E, for a distance of 151.41 feet to a point for corner on the north side of a 50.00 foot wide road conveyed to Harris County as recorded in Volume 787, Page 701, Harris County Deed Records;

Thence with the north line of said 50.00 foot wide road N 87° 28' 42" E, for a distance of 5263.04 feet to the Point of Beginning and containing 313.508 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Fred Goeke  
Larry McLean  
Andy Difiore  
Kenny Paul  
Gene Teas

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provisions of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1384 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Harris County Utility District No. 14; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1384, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1384.

HB 1383 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1383, Creating Harris County Utility District No. 13.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1383 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and rec-



lamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Harris County Utility District No. 13, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

All that certain tract or parcel containing 366.63 acres of land and being located in Block 4, Sec. 11 of the W.C.R.R. Survey A-924, Harris County, Texas and being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone):

Beginning at a point for corner said point being the southeast corner of the aforementioned Section 11 of the W.C.R.R. Survey A-924, Harris County, Texas;

Thence along and with the south line of said Section 11, S 87° 52' 30" W, 3594.13 feet to a point for corner in said line;

Thence and leaving the south line of said Section 11, N 02° 02' 49" W, 4461.92 feet to a point for corner in the north line of the aforementioned Section 11;

Thence along and with the north line of said Section 11, N 88° 20' 56" E, 3588.31 feet to a point for corner said point being the northeast corner of the aforementioned Section 11;

Thence along and with the east line of said Section 11, S 02° 07' 25" E, 4432.25 feet to the Point of Beginning and containing 366.63 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred

red by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

George R. Bolin  
Tom Sonnenberg  
Granville Deane  
Eddie Adams  
Rit Webb

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1383 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Harris County Utility District No. 13; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1383, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1383.

#### HB 1382 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1382, Creating Harris County Utility District No. 12.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

#### Committee Amendment No. 1

Amend HB 1382 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Harris County Utility District No. 12, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying

the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

All that certain tract or parcel containing 369.38 acres of land and being located in Block 4, Sec. 11 of the W.C.R.R. Survey A-924, Harris County, Texas and being more particularly described by metes and bounds as follows (all bearings referenced to the Texas Coordinate System, South Central Zone):

Beginning at a point for corner said point being the southwest corner of the aforementioned Sec. 11 of the W.C.R.R. Survey A-924, Harris County, Texas;

Thence along and with the west line of the aforementioned Sec. 11, N 02° 02' 49" W, 4491.63 feet to a point for corner said point being the northwest corner of the aforementioned Sec. 11;

Thence along and with the north line of the aforementioned Sec. 11, N 88° 20' 56" E, 3594.21 feet to a point for corner on said line;

Thence and leaving the north line of said Sec. 11, S 02° 02' 49" E, 4461.92 feet to a point for corner on the south line of the aforementioned Sec. 11, of the W.C.R.R. Survey A-924, Harris County, Texas.

Thence along and with the south line of said Sec. 11, S 87° 52' 30" W, 3594.13 feet to the Point of Beginning and containing 369.38 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following

named persons shall be the directors of the District and shall constitute the board of directors of the District:

Mike Patrick  
James R. Corbitt III  
W. F. Randolph  
Jerry Cox  
Cary Troop

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order; and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1382 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Harris County Utility District No. 12; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas

applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1382, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1382.

Representatives Kost, Von Dohlen, Hull, and Finney entered the House and were announced present.

#### HB 1381 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1381, Creating Harris County Utility District No. 11.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1381 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Harris County Utility District No. 11, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made

in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

All that certain tract or parcel containing 487.4093 acres of land being located in the Rebecca Brown Survey, A-148, the E. Pillot Survey, A-631, the H.T.&B. R.R. Co. Survey Section 14 (Stafford Smith) A-1360, the H.T.&B. R.R. Co. Survey, Section 13, A-405, the H.T.&B. R.R. Co. Survey Section 12 (Stafford Smith) A-1362, and the H.T.&B. R.R. Co. Survey, Section 11, A-406, Harris County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a point for corner said point being the southeast corner of the H.T.&B. R.R. Co. Survey, Section 14, A-1360;

Thence along and with the south line of said survey N 89° 38' 00" W, 3543.83 feet to a point for corner on said line;

Thence N 00° 12' 30" W, 7413.94 feet to a point for corner;

Thence N 85° 15' 00" E, 1580.10 feet to a point for corner;

Thence South 5398.98 feet to a point for corner;

Thence S 89° 38' 00" E, 1928.99 feet to a point for corner;

Thence S 00° 21' 00" E, 740.67 feet to a point for corner;

Thence N 89° 37' 00" E, 1303.40 feet to a point for corner;

Thence S 00° 21' 00" E, 3968.78 feet to a point for corner;

Thence S 89° 37' 00" W, 1303.40 feet to a point for corner;

Thence N 00° 21' 00" W, 2553.32 feet to the Point of Beginning and containing 487.4093 acres of land.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of

this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Arthur B. Kennedy  
William T. Keenan  
Ben T. May  
William McGuire  
Horace W. Pennington

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order; and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1381 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Harris



County Utility District No. 11; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1381, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1381.

#### HB 1640 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1640, Creating El Dorado Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

##### Committee Amendment No. 1

Amend HB 1640 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as El Dorado Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type

of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and projects which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Metes and bounds description of 200.557 acres of land comprised of a 99.443 acre tract out of the John Kohlman Surveys, abstracts 496 and 497 and a 101.114 acre tract out of the Edward Lubecius Survey, abstract 513, Harris County, Texas

#### TRACT NO. 1—99.443 ACRES

Beginning at a point in the Southeast line of Humble Road at the Southwest corner of Humble Park Subdivision as recorded in Volume 12, Page 16, of the Harris County Map Records;

Thence North 43°18'08" East, along said Southeast line of Humble Road, 919.62 feet to a point for corner;

Thence South 46°44'14" East, 299.75 feet to a point for corner;

Thence North 43°22'21" East, 199.93 feet to a point for corner;

Thence North 46°37'31" West, 299.97 feet to a point for corner in the Southeast line of Humble Road;

Thence North 43°18'08" East, along said Southeast line of Humble Road, 1,346.05 feet to a point for corner at the intersection of the Southeast line of Humble Road with the Southeast line of Atascocita Road;

Thence North 62°08'23" East, along said Southeast line of Atascocita Road, 1,534.15 feet to a point for corner;

Thence South 00°01'33" East, 2,483.92 feet to a point for corner;

Thence South 89°36'46" West, 1,581.02 feet to a point for corner;

Thence South 89°20'00" West, 1,467.99 feet to the Place of Beginning, containing 99.443 acres of land, more or less.

#### TRACT NO. 2—101.114 ACRES

Beginning at a point in the North right-of-way line of North Belt Road (based on a width of 250 feet), South 89°26'14" West, 500.00 feet from the intersection of said North right-of-way line with the East line of the Edward Lubecius Survey;

Thence South 89°26'14" West, along said North right-of-way line, 844.17 feet to a point for corner;

Thence North 01°18'41" West, 1,650.81 feet to a point for corner;

Thence North 00°35'40" West, 983.19 feet to a point for corner;

Thence North 00°30'38" West, 963.40 feet to a point for corner in the South right-of-way line of Bender Road;

Thence North 89°30'19" East, along said South right-of-way line of Bender Road, 1,346.02 feet to a point for corner in the East line of said Edward Lubecius Survey;

Thence South 00°55'51" East, along said East line of the Edward Lubecius Survey, 2,666.15 feet to a point for corner;

Thence South 87°17'16" West, 500.01 feet to a point for corner;

Thence South 00°41'00" East, 910.81 feet to the Place of Beginning, containing 101.114 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

A. E. Bailey  
Gilbert J. Baker  
Brent Arthur  
Richard Ariaza  
Jerry Argovitz

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1640 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as El Dorado Utility District of Harris County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1640, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1640.

Representative Garcia entered the House and was announced present.

## HB 1639 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1639, Creating Mossy Oaks Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1639 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Mossy Oaks Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Metes and bounds description of a 70.001 acre tract of land out of the Ambrose Mays Survey, Abstract 543, Harris County, Texas.

Beginning at a point on the West right-of-way line of Aldine Westfield road (based on a width of 80 feet), said point being the Northwest corner of a 0.3905 acre tract of land conveyed to Harris County as recorded in Volume 3130, Page 362, of the Harris County Deed Records;

Thence South 06°30'13" East, along said West right-of-way line of

Aldine Westfield Road, 1,487.24 feet to a point for corner in the Northwesterly line of the Eternity Park Cemetery tract;

Thence South 59°31'10" West, along said Northwesterly line of said cemetery tract, 1,170.22 feet to a point for corner;

Thence North 32°06'21" West, 132.11 feet to a point for corner;

Thence South 59°31'10" West, 842.53 feet to a point for corner;

Thence North 32°13'00" West, 1,217.67 feet to a point for corner;

Thence North 59°18'34" East, 2,657.74 feet to the Place of Beginning, containing 70.001 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Bob Watson  
Jack Wetmore  
Bill Yancey  
Craig Hausman  
Ken Williams

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended, and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

Committee Amendment No. 2

Amend HB 1639 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Mossy Oaks Utility District of Harris County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1639, as amended, was passed to engrossment.

VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1639.

HB 1619 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1619, Creating Cypresswood Utility District of Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

## Committee Amendment No. 1

Amend HB 1619 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Cypresswood Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 378.592 acres of land, more or less, out of the George H. Delesdernier League, Abstract No. 229, and the Daniel Harmon League, Abstract No. 315, and being more particularly described by metes and bounds as follows:

Commencing for reference at the point that is the north corner of the George H. Delesdernier League and the west corner of the Daniel Harmon League, said point lying in the center line of Louetta Road, based on a 60.00 feet right-of-way;

Thence S 32° 00' 20" E 30.00 feet along the common line of the Daniel Harmon League and the George H. Delesdernier League to a point in the south line of said Louetta Road being the Point of Beginning of the herein described tract of land;

Thence N 57° 59' 00" E 1625.00 feet along the south line of Louetta Road to an angle point;

Thence N 57° 54' 50" E 818.00 feet along the south line of Louetta Road to a point for corner;



Thence S 31° 57' 30" E 1962.40 feet to a point for corner;

Thence S 32° 39' 10" E 4139.09 feet to a point for corner;

Thence S 31° 52' 10" E 1047.93 feet to a point in the center line of Cypress Creek;

Thence, upstream along the meanders of the center line of Cypress Creek the following courses:

S 30° 00' 30" W 105.54 feet to a point for corner;

S 46° 32' 10" W 273.96 feet to a point for corner;

S 12° 27' 50" W 447.04 feet to a point for corner;

S 19° 01' 10" E 128.13 feet to a point for corner;

S 12° 27' 50" W 84.91 feet to a point for corner;

S 54° 22' 00" W 176.25 feet to a point for corner;

N 86° 25' 30" W 463.95 feet to a point for corner;

N 57° 28' 40" W 328.68 feet to a point for corner;

S 87° 24' 30" W 196.12 feet to a point for corner;

N 45° 21' 40" W 170.62 feet to a point for corner;

Thence, departing from the center line of Cypress Creek, N 57° 46' 30" E 793.51 feet to a point for corner;

Thence N 31° 53' 30" W 3073.06 feet to a point in the arc of a curve having a tangent bearing of S 58° 06' 25" W;

Thence in a Southwesterly direction 24.38 feet along the arc of a curve to the left having a radius of 2195.00 feet and a central angle of 0° 38' 11" to a point for corner;

Thence N 32° 39' 10" W 1142.85 feet to a point for corner;

Thence S 44° 41' 30" W 219.50 feet to a point for corner;

Thence N 45° 18' 30" W 985.00 feet to a point for corner;

Thence S 44° 41' 30" W 840.00 feet to a point for corner;

Thence S 57° 59' 40" W 323.40 feet to a point for corner in the common line that is the west line of the Daniel Harmon League and the east line of the George H. Delesdernier League;

Thence S 32° 00' 20" E 1035.72 feet along the above said common line to a point for corner;

Thence S 57° 55' 50" W 928.82 feet to a point for corner;

Thence N 32° 12' 30" W 286.70 feet to a point for corner;

Thence S 57° 47' 30" W 365.49 feet to a point in the west line of Kuykendahl Road, based on an 80.00 foot right-of-way;

Thence S 32° 10' 00" E 1299.16 feet along the west line of Kuykendahl Road to a point of curve to the left;

Thence in a Southeasterly direction 168.85 feet along the arc of a curve to the left having a radius of 1949.86 feet and a central angle of 4° 57' 42" to a point for corner;

Thence S 34° 55' 10" W 471.84 feet to a point for corner;

Thence S 23° 53' 10" W 374.43 feet to a point for corner;

Thence S 24° 39' 30" W 454.87 feet to a point for corner;

Thence N 32° 00' 00" W 2817.27 feet to a point for corner;

Thence N 57° 58' 30" E 425.00 feet to a point for corner;

Thence N 32° 01' 02" W 499.96 feet to a point for corner;

Thence N 58° 00' 00" E 680.27 feet to a point for corner in the west line of Kuykendahl Road;

Thence N 32° 10' 00" W 784.48 feet along the west line of Kuykendahl Road to a point for corner;

Thence N 57° 48' 00" E 830.70 feet to a point for corner;

Thence N 31° 56' 40" W 762.47 feet to a point in the south line of Louetta Road;

Thence N 57° 48' 00" E 474.40 feet along the south line of Louetta Road to the Place of Beginning, and containing 378.592 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility district, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Edward R. Godwin  
Hubert Hinkle  
Randy Parish  
Floyd Dellinger  
Sherrill Noble

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1619 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Cypresswood Utility District of Harris County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1619, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Braun and Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1619.

#### HB 1702 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1702, Creating Mason Creek Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

##### Committee Amendment No. 1

Amend HB 1702 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Mason Creek Utility District, hereinafter called the "District," which shall be a governmental agency and body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 398.164 acres, more or less, being all of Lots 75 and 76 and part of Lot 77 of Meadowbrook Farms Subdivision according to the map thereof recorded in Volume 1, Page 6 of the Harris County Map Records out of the W.C.R.R. Company Survey, Block 3, Section 10, Abstract No. 1359, and part of a 14.66 acre tract of land in the W.C.R.R. Company Survey, Block 3, Section 9, Abstract No. 904, said 398.164 acre tract being more particularly described by metes and bounds as follows:

Beginning at a point marking the intersection of the South right-of-way line of Interstate Highway No. 10 (Katy Road) with the West right-of-way line of Houghton Road (50 feet wide).

Thence, S 02° 02' 18" E, 3813.00 feet to a point for the Southeast corner of the tract herein described;

Thence, S 87° 54' 37" W, 4400.24 feet to a point for the Southwest corner of the aforesaid 14.66 acre tract, said point also being the Southwest corner of the tract herein described;

Thence, N 01° 51' 24" W, 3998.79 feet along the West line of said 14.66 acre tract, to a point in the South line of said Interstate Highway No. 10;

Thence, following the South right-of-way line of said Interstate Highway No. 10 in an Easterly direction as follows:

N 88° 38' 39" E, 2024.45 feet to a point;

S 89° 33' 42" E, 1411.31 feet to a point;

S 87° 48' 50" E, 792.54 feet to a point commencing a curve to the right;

Thence, along the South line of said Interstate Highway No. 10, along the arc of said curve to the right having a radius of 532.96 feet and subtending a central angle of 18° 03' 52", a distance of 168.03 feet to the Point of Beginning.

Containing 398.164 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act, shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following

named persons shall be the directors of the District and shall constitute the board of directors of the District:

Henry C. King  
W. H. McDonald  
Charles N. Noble  
T. D. Smith  
Michael Kickerillo

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1702 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Mason Creek Utility District of Harris County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the

general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1702, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1702.

#### HB 1611 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1611, Creating Northwest Harris County Public Utility District No. 1.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1611 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Northwest Harris County Public Utility District No. 1, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, being 584.6022 acres, more or less, out of the W.C.R.R. Co. Section 25, A-918, the W. M. Morris Survey, A-1274, and the Sidon Harris Survey, A-1324, and being more particularly described as follows:

Beginning at a 3/8" iron rod found on the north line of the S. S. Reynolds Survey, A-1695, marking the southeast corner of said W.C.R.R. Co. Section 25, A-918, and the southwest corner of the W.C.R.R. Co., A-938.

Thence, S 87° 23' 17" W, 1885.56 feet with the common line between said Section 25 and the said S. S. Reynolds Survey, A-1695, to the northwest corner of said Reynolds Survey, A-1695, also being the northeast corner of the S. S. Reynolds Survey, A-1352, and a corner of the tract herein described.

Thence, N 02° 40' 46" W, 66.94 feet, to a point for corner.

Thence N 56° 02' 56" W, 2499.27 feet to a point for corner on the beginning of a curve to the left.

Thence, Northwestery along the arc of said curve, having a radius of 2000.00 feet, a central angle of 41° 49' 29", a distance of 1459.96 feet to the intersection of the west line of said Section 25 with the east right-of-way line of Bammel-N. Houston Road, for a corner.

Thence, N 02° 26' 10" W, 323.29 feet with said west line of Section 25 to a point for corner.

Thence, S 88° 06' 23" W, 1070.04 feet to a point for corner.

Thence, N 02° 39' 16" W, 603.10 feet to a point for corner.

Thence, S 87° 49' 07" W, 1101.29 feet to a point for corner on the northerly right-of-way line of West Montgomery Road (State F. M. Hwy. 149, 180 feet wide).

Thence, N 50° 37' 50" W, 636.68 feet with said right-of-way line to a point for corner on the south line of the D. M. Garvin Survey, A-1511.

Thence, N 88° 01' 44" E, 2648.65 feet with said south line of the Garvin Survey, A-1511, to the east right-of-way line of said Bammel-N. Houston Road, also being the west line of said W.C.R.R. Section 25, for a corner.

Thence, N 02° 24' 29" W, 1754.20 feet with said east right-of-way line



of Bammel-N. Houston Road and the west line of Section 25, to an angle point.

Thence, N 01° 10' 12" E, 265.45 feet with said right-of-way line of Bammel-N. Houston Road and west line of Section 25, to a ½" iron pipe found marking the northwest corner of said Section 25, and the southwest corner of W.C.R.R. Co. Section 13, A-922.

Thence, N 87° 28' 45" E, 5265.01 feet with common line between said Sections 13 and 25, to a 2" iron pipe found marking the northeast corner of said Section 25 and the northwest corner of W.C.R.R. Co., A-938.

Thence, S 02° 21' 49" E, 2612.71 feet with common line between said Section 25 and W.C.R.R. Co., A-938, to a ½" iron rod found marking an angle point.

Thence, S 02° 18' 42" E, 2683.31 feet continuing with said common line to the place of beginning.

Containing 584.6022 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Victoria A. Devier  
Alice Harrison  
Jerry L. Wagner  
Jane Pardo  
Barbara Howard

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1611 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Northwest Harris County Public Utility District No. 1; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1611, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1611.

#### HB 1612 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1612, Creating Northwest Harris County Public Utility District No. 2.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1612 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Northwest Harris County Public Utility District No. 2, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, and being 217.4731 acres, more or less, out of the S. S. Reynolds Survey, A-1352, and the W.C.R.R. Co. Section 25, A-918, and being more particularly described as follows:

Beginning at a 1-inch iron pipe found on the north line of the S. S. Reynolds Survey, A-1686, marking the southeast corner of the Reynolds Survey, A-1352, the southwest corner of the S. S. Reynolds Survey, A-1695, and the southeast corner of the tract herein described.

Thence, S 88° 21' 21" W 2768.78 feet with the common line between the said Reynolds Survey, A-1686 and the Reynolds Survey, A-1352, to a point on the arc of a curve marking the most southerly southwest corner of the tract herein described.

Thence, Northeasterly along the arc of said curve, having a radius of 543.69 feet, a central angle of  $14^{\circ} 52' 43''$ , a distance of 141.19 feet to a point at the end of said curve.

Thence, N  $36^{\circ} 33' 47''$  E 253.68 feet to a point for corner.

Thence, N  $80^{\circ} 23' 26''$  E 106.00 feet to a point for corner.

Thence, N  $02^{\circ} 15' 15''$  W 1839.86 feet to a point on the southwest right-of-way line of West Montgomery Road (F. M. Highway 149, 180 feet wide) for corner.

Thence, N  $23^{\circ} 22' 32''$  E 189.58 feet to a point for corner on the northeast right-of-way line of said West Montgomery Road, on the arc of a curve.

Thence, Northwesterly along the arc of said curve, having a radius of 5590.00 feet, a central angle of  $2^{\circ} 40' 55''$ , a distance of 261.66 feet to a point at the end of said curve.

Thence, N  $50^{\circ} 37' 50''$  W 1148.48 feet continuing with the northeast right-of-way line of said West Montgomery Road to the intersection of said right-of-way line with the west line of said Section 25 and the east right-of-way line of Bammel-North Houston Road.

Thence, N  $2^{\circ} 26' 10''$  W 1002.37 feet with the west line of said Section 25 and the east right-of-way line of Bammel-North Houston Road to a point for the most northerly northwest corner of the tract herein described, on the arc of a curve.

Thence, Southeasterly along the arc of said curve, having a radius of 2000.00 feet, a central angle of  $41^{\circ} 49' 29''$ , a distance of 1459.96 feet to the end of said curve, to a point at the end of said curve.

Thence, S  $56^{\circ} 02' 56''$  E 2499.27 feet to the most easterly northeast corner of the tract herein described.

Thence, S  $02^{\circ} 40' 46''$  E 66.95 feet to the northwest corner of the said Reynolds Survey, A-1695.

Thence, S  $02^{\circ} 38' 25''$  E 2386.35 feet with the west line of said Reynolds Survey, A-1695, to the place of beginning.

Containing 217.4731 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Judith Ann Oates  
Marge Gay  
Robert Geller  
Joan Mathews  
Betty Drummond

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1612 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Northwest Harris County Public Utility District No. 2; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal

utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1612, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1612.

Representative Rodriguez entered the House and was announced present.

#### HB 1613 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1613, Creating Northwest Harris County Public Utility District No. 3.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

##### Committee Amendment No. 1

Amend HB 1613 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Northwest Harris County Public Utility District No. 3, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay

the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, being 138.0976 acres, more or less, being all of the Samuel S. Reynolds Survey, A-1695, and being more particularly described as follows:

Beginning at a 1-inch iron pipe marking the southeast corner of the Samuel S. Reynolds Survey, A-1352, and the southwest corner of the Samuel S. Reynolds Survey, A-1695, to a point for the southwest corner of the tract herein described.

Thence, N 02° 38' 25" W, 2386.35 feet with the common line between the two said Reynolds Surveys to a point on the south line of W. C. R. R. Co. Section 25, A-918, for the northwest corner of the tract herein described.

Thence, N 87° 23' 17" E, 1885.56 feet with the common line between said Section 25 and the said Samuel S. Reynolds Survey, A-1695, to a 3/8" iron rod found marking the southeast corner of said Section 25, being also the southwest corner of W. C. R. R. Co. Survey, A-938.

Thence, N 87° 36' 00" E, 611.33 feet with south line of said W. C. R. R. Co. Survey, A-938, to the northeast corner of the said Samuel S. Reynolds Survey, A-1695, and the northwest corner of the Samuel S. Reynolds Survey, A-1684, to a point for the northeast corner of the tract herein described.

Thence, S 02° 40' 53" E, 2428.71 feet with common line between said Reynolds Survey, A-1684 and the said Reynolds Survey, A-1695, to the northeast corner of said Reynolds Survey, A-1686, to a point for the southeast corner of the tract herein described.

Thence, S 88° 24' 40" W, 2499.05 feet with the common line between said Reynolds Survey, A-1686 and the said Reynolds Survey, A-1695, to the place of beginning.

Containing 138.0976 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted

and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Shirley Weaver  
Mary Lee Frazier  
Carter Howard  
Jack Drummond  
Bernice Owens

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional rule that bills be read on three several days in each House be suspended; and said rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1613 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Northwest Harris County Public Utility District No. 3; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District;



defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1613, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1613.

#### HB 1739 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1739, Creating Kerrville Hills Public Utility District in Kerr County.

The bill was read second time and was passed to engrossment.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 19, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SB 749, By Wallace: Providing for the preservation and enhancement of scenic beauty of lands bordering certain public highways; and declaring an emergency.

SB 905, By Word: Relating to an increased maintenance tax in certain school districts; and declaring an emergency.

SB 991, By Patman: Relating to the interest rate on bonds of the San Patricio Municipal Water District; and declaring an emergency.

SB 997, By Word, et al: Providing authority for the Banking Commissioner in the case of certain violations and unsound practices of state banks, to issue cease and desist orders and orders for removal from office to state banks and offending officers, directors or employees; and declaring an emergency.

SB 998, By Word, et al: Relating to and defining brokered funds, construing them as "notes, bonds, and other evidence of indebtedness" and not as deposits, relating to authority for the Commissioner to regulate; and declaring an emergency.

SB 1003, By Word, et al: Relating to cash reserves, calculation, reserved depositaries and amounts, and increasing the penalty for failure to maintain total reserves required from \$50 per week to not more than \$500 per week, and providing for recovery of such penalties; and declaring an emergency.

SB 1004, By Word, et al: Relative to appeals from final orders of the State Banking Board and Finance Commission, and providing the rights of aggrieved parties to appeal to district court within thirty (30) days of such order; and declaring an emergency.

Respectfully,  
CHARLES R. SCHNABEL  
Secretary of the Senate

CONSIDERATION OF LOCAL AND CONSENT  
CALENDAR OF BILLS—(continued)

HB 690 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 690, Relating to the exemption of land owned by East Texas State University in Hunt County from the computation of local fund assignments under the Foundation School Program.

The bill was read second time.

Mr. Rodriguez offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 690, First Printing, by adding, immediately after the first occurrence of the word "University" on line 25, the following: ", land owned by Pan American University,".

Committee Amendment No. 2

Amend HB 690 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the exemption of land owned by East Texas State University in Hunt County and land owned by Pan American University from the computation of local fund assignments under the Foundation School Program; amending Subsection (b) of Section 16.76, Texas Education Code, as amended; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 690, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Rosson requested to be recorded as voting Nay on the passage to engrossment of HB 690.

HB 1039 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1039, Creating the office of Criminal District Attorney for Lubbock County.

The bill was read second time and was passed to engrossment.

#### HB 1718 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1718, Creating Grapeland Hospital District of Houston County.

The bill was read second time.

Mr. Hubenak offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1718 by adding subsection (h) to section 12 to read as follows:

"(h) The Board shall have the authority to appoint to or dismiss from the staff such doctors as may be deemed necessary for the efficient operation of the district, and may provide for temporary appointments to the staff if warranted by circumstances."

Committee Amendment No. 2

Amend HB 1718 by deleting subsection (g) of Section 12 and substituting therefor the following:

"(g) The Board may enter into any contract with a municipality or other political subdivision to provide hospital care for needy persons who reside outside the district."

The committee amendments were severally adopted without objection.

HB 1718, as amended, was passed to engrossment.

#### HB 1460 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1460, Providing for the creation of a Hospital District over all the territory comprising the Nocona and Prairie Valley Independent School Districts of Montague County.

The bill was read second time.

Mr. Hubenak offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1460 by striking out the words "of taxable property within

such district" as they appear in the second paragraph of Section 3, and inserting in lieu thereof the following:

"upon all taxable property situated within the hospital district, subject to hospital district taxation,"

Committee Amendment No. 2

Amend HB 1460 by changing the period to a comma at the end of the second sentence in Section 7, and adding the following:

"upon all taxable property situated within the hospital district, subject to hospital district taxation."

Committee Amendment No. 3

Amend HB 1460 by deleting the last sentence of Section 5 and substituting therefor the following:

"Such board shall be authorized to contract with any other political subdivision or governmental agency whereby the district will provide investigatory or other services as to the hospitalization needs of the inhabitants of the district and shall be authorized to contract with any county or incorporated municipality located outside its boundaries for the hospitalization of the sick, diseased or injured persons of any such county or municipality, and shall have the authority to contract with the State of Texas, or agencies of the federal government for the hospital treatment of sick, diseased, or injured persons."

Committee Amendment No. 4

Amend HB 1460 by striking out the word "property" as it appears on line 47 of page 1, section 3 and as it appears on line 13 of page 2, section 3 and as it appears on line 5 of page 3, section 4.

The committee amendments were severally adopted without objection.

HB 1460, as amended, was passed to engrossment.

HB 1745 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1745, Creating Kimble County Hospital District of Kimble County.

The bill was read second time and was passed to engrossment.

HB 227 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 227, Authorizing transfer of probate matters between the County Court at Law and the County Court of Cameron County.

The bill was read second time and was passed to engrossment.

#### HB 1808 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1808, Regulating sale of fish in certain areas of Houston County.

The bill was read second time and was passed to engrossment.

#### HB 1807 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1807, Regulating hunting of spike deer in Houston County and the use of dogs for such hunting.

The bill was read second time and was passed to engrossment.

#### HB 892 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 892, Relating to the salary of juvenile officer of Van Zandt County.

The bill was read second time and was passed to engrossment.

#### HB 439 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 439, Relating to creation, etc., of the County Court at Law of Hunt County and conforming jurisdiction of the County Court of Hunt County.

The bill was read second time.

Mr. Price offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Strike all below the enacting clause of HE 439 and substitute the following:

Section 1. There is hereby created a Court in Hunt County, to be called the County Court at Law of Hunt County.

Section 2. (a). The County Court at Law of Hunt County, Texas is created.

(b). The court has the same jurisdiction over all causes and proceedings, civil and criminal, original and appellate, prescribed by law for county courts. However this provision shall not affect the jurisdiction of the Commissioners Court or of the County Judge of Hunt County as the presiding officer of the commissioners court as to roads, bridges, and

public highways, as are now within the jurisdiction of the commissioners court or the county judge as presiding officer.

(c). The jurisdiction of the County Court at Law of Hunt County extends to all matters of eminent domain and is concurrent with that of the County Court and Commissioners Court of Hunt County.

(d). The County Court at Law has the general jurisdiction of a probate court within the limits of Hunt County, and its jurisdiction is concurrent with that of the County Court of Hunt County in probate matters and proceedings.

(e). The County Court at Law of Hunt County and the Judge thereof shall have concurrent jurisdiction with the County Court of Hunt County and the Judge thereof in the trial of insanity cases and the restoration thereof, approval of applications for admission to state hospitals and special schools where admissions are by application, and the power to punish for contempt.

(f). The county court at law, or its judge, has the power to issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court; and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court, or of any other court in the county of inferior jurisdiction. The court and judge also have the power to punish for contempt as prescribed by law for county courts. The judge of the county court at law has all other powers, duties, immunities, and privileges provided by law for county court judges, and he is a magistrate and conservator of the peace.

(g). The County Judge of Hunt County is the Judge of the County Court of Hunt County. All ex officio duties of the county judge shall be exercised by the Judge of the County Court of Hunt County except insofar as the same which are, specified by this Act, committed to the Judge of the County Court at Law of Hunt County.

Section 3. Terms of Court. The terms of the County Court at Law of Hunt County are the same as those for the County Court of Hunt County, Texas.

Section 4. Judge. (a). At the next general election after the effective date of this Act there shall be elected a Judge of the County Court at Law of Hunt County who must have been a duly licensed and practicing member of the State Bar of Texas for not less than two years who must be well informed in the laws of this state, and who must have been a bona fide resident of Hunt County, Texas and been actively engaged in the practice of law in Hunt County, Texas, for a period of not less than two years prior to his appointment initially, and after the initial appointment, for a period not less than two (2) years prior to the general election. The judge holds office for four years and until his successor has been duly elected and has qualified.

(b). When this Act becomes effective, the Commissioners Court of Hunt County, Texas, shall appoint a Judge to the County Court at Law of Hunt County. The judge appointed must have the qualifications prescribed in Subsection (a) of this section and serves until the next general

election and until his successor has been duly elected and has qualified. At the general election in 1974 and every fourth year thereafter, there shall be elected by the qualified voters of Hunt County a Judge of the County Court at Law of Hunt County for a regular term of four years to commence on the first day of January following his election. Any vacancy in the office shall be filled by the Commissioners Court of Hunt County until the next general election. The Judge of the Hunt County Court at Law may be removed from office in the same manner and for the same causes as provided by the laws of this state for removal of county judges.

(c). The Judge of the County Court at Law of Hunt County shall execute a bond and take the oath of office prescribed by law for county judges. He may be removed from office in the same manner and for the same causes as a county judge.

(d). The Judge of the County Court at Law of Hunt County is entitled to receive the same salary, to be paid from the same fund and in the same manner, as the County Judge of Hunt County receives. The Judge shall assess the fees prescribed by law for county judges, which shall be collected by the clerk of the court and paid into the county treasury, and which may not be paid to the judge.

(e). A special judge of the county court at law may be appointed or elected as provided by law for county courts. A special judge is entitled to receive \$15.00 a day for each day he serves, to be paid out of the general fund of Hunt County by the commissioners court.

(f). If a judge of the county court at law is disqualified to try a case pending in his court, the parties or their attorneys may agree on the selection of a special judge for the case. The special judge selected is entitled to the compensation provided by Subsection (e) of this section.

(g). The Clerk of the County Court of Hunt County shall be the Clerk of the County Court at Law of Hunt County. The County Attorney of Hunt County shall represent the state in all prosecutions pending in the court, and he shall be entitled to the same fee as now prescribed by law for such prosecutions in the county courts. The Sheriff of Hunt County shall in person or by deputy attend the court when required by the judge; and the various sheriffs and constables of this state executing process issued out of the court shall receive the fees fixed by law for execution of process out of county courts.

Section 5. Salary. The Judge of the County Court at Law of Hunt County shall assess the same fees as are or may be established by law relating to county judges, all of which shall be collected by the clerk of the court and be by him paid into the county treasury, no part of which shall be paid to the said judge. The judge of the county court at law shall receive an annual salary set by the commissioners court in the same manner as the other elected county officials who are on a salary basis.

(b) The seal of the court shall contain the words "County Court at Law of Hunt County", but in other respects is identical with the seal of the County Court of Hunt County.

Section 6. The Judge of the County Court at Law of Hunt County shall have the power to make and publish rules as to the docketing and disposition of criminal and civil cases in the court not inconsistent with the laws of the State of Texas or the Texas Rules of Civil Procedure. Practice in the County Court at Law of Hunt County shall conform to that prescribed by law for the County Court of Hunt County, Texas.

Section 7. The judges of the county court and the county court at law may transfer cases to and from the dockets of their respective courts in order that the business may be equally distributed between them. However, no case may be transferred from one court to the other without the consent of the judge of the court to which it is transferred; and no case may be transferred to the County Court at Law of Hunt County unless it is within the jurisdiction of that court.

(b). The county judge and the judge of the county court at law may freely exchange benches and courtrooms with each other so that if one is ill, disqualified, or otherwise absent, the other may hold court for him without the necessity of transferring the cause or proceeding, civil, criminal, or probate, involved. Either judge may hear all or any part of a cause or proceeding pending in the county court or county court at law; and he may rule and enter orders on and continue, determine, or render judgment on all or any part of the cause or proceeding without the necessity of transferring it to his own docket. However, the judge of the county court at law may not sit or act in any cause or proceeding over which exclusive jurisdiction is vested by this Act in the Hunt County Court.

Section 8. The Judge of the County Court at Law of Hunt County shall be entitled to traveling expenses and shall be entitled to necessary office expenses in the same manner as is allowed county judges.

Section 9. The need for an additional court to relieve the heavy docket of the County Court of Hunt County creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

HB 439, as amended, was passed to engrossment.

**SB 966 ON SECOND READING**  
(Mr. John Hannah—House Sponsor)

The Speaker laid before the House, in lieu of HB 1761, on its second reading and passage to third reading,

SB 966, Creating Livingston Hospital District of Polk County.

The bill was read second time.

Mr. Hubenak offered the following committee amendment to the bill:



## Committee Amendment No. 1

Amend SB 966 by striking all below the enacting clause and substitute the following:

Section 1. In accordance with the provisions of Article IX, Section 9, of the Texas Constitution, this Act shall be operative so as to authorize the creation, establishment, maintenance, and operation of a hospital district within the State of Texas, to be known as Livingston Hospital District of Polk County, Texas, and the boundaries of said district shall be as follows, to wit:

Comprising all of the lands in Polk County, Texas, adjacent to and Northerly from the following described line:

Beginning on the East line of Polk County, same being the West Line of Tyler County, in the upper North line of the H. Schroden Survey, Abstract No. 535 and the lower South line of the W. T. Carter & Bros. Survey, Abstract No. 988;

Thence Westerly with said line to the Northerly Northwest corner of said Schroden Survey and Southerly Southwest corner of said W. T. Carter & Bros. Survey, in the East line of the John Warden Survey, Abstract No. 609;

Thence Northerly with the East line of said Warden Survey to the Northeast corner of same and an ell corner of said W. T. Carter & Bros. Survey;

Thence Westerly with the north line of said Warden Survey and the upper south line of said W. T. Carter & Bros. Survey to the Northwest corner of said Warden Survey, same being the lower Northeast corner of the H. & T. C. RR Survey, Abstract No. 323;

Thence Southerly with the West line of said Warden Survey and the lower East line of said H. & T. C. RR Survey to the Southeast corner of same, being also the easterly Northeast corner of the Conrad Bering Survey, Abstract No. 945;

Thence Westerly with the Southline of said H. T. C. RR Survey and the lower North line of said Conrad Bering Survey to an ell corner of same and the Southerly Southwest corner of said H. & T. C. RR Survey;

Thence Northerly with the westerly East line of said Bering Survey to the Westerly Northeast corner of same and the Southeast corner of the F. Prentiss Survey, Abstract No. 471;

Thence Westerly with the South line of said Prentiss Survey and upper North line of said Bering Survey to the Northwest corner of same and southwest corner of the Prentiss Survey in the East line of the William Lake Survey, Abstract No. 401;

Thence Northerly with the East line of said Lake Survey and East line of the Jefferson Atkins Survey, Abstract No. 95 to the Northeast corner of same and the Southeast corner of the John Bowyer Survey, Abstract No. 131;

Thence Westerly with the South line of said Bowyer Survey and North

line of said Atkins Survey to an ell corner of same and the lower Southwest corner of said Bowyer Survey;

Thence Northwesterly with the Northeast line of said Atkins Survey to the North corner of same and an ell corner of said Bowyer Survey;

Thence Southwesterly with a line of said Bowyer Survey to the upper Southwest corner of same and the Southeast corner of the W. T. Carter Survey, Abstract No. 972;

Thence Northerly with the West line of said Bowyer Survey and East line of Said Carter Survey to the Northeast corner of same and the Southeast corner of the Wm. Wallis Survey, Abstract No. 632;

Thence Westerly with the South line of said Wallis Survey and South line of Wm. M. White Survey, Abstract No. 628 to the Southwest corner of same and the upper Northwest corner of the I & GN RR Survey, Abstract No. 655 and a corner of the Theo. C. Clark, Abstract No. 168;

Thence Southeasterly with the Northeast Line of said Clark to the East corner of same and an ell corner of said I & GN RR Survey;

Thence Southwesterly with the Southeast line of said Clark Survey to the South corner of same and an ell corner of said I & GN R.R. Survey;

Thence Northwesterly with the Southwest line of said Clark Survey and Northeast line of the M. White Survey, Abstract No. 887 to the North corner of same and East corner of the Jas. Hickman Survey, Abstract No. 780 and in the Southwest line of the I&GN RR Survey, Abstract No. 717;

Thence Southwesterly with the upper Southeast line of said Hickman Survey and upper Northwest line of said White Survey to a Westerly corner of same and an ell corner of said Hickman Survey;

Thence Southeasterly with the lower Northeast line of said Hickman to an East corner of same and an ell corner of said White Survey;

Thence Southwesterly with the Southeast line of said Hickman Survey to the South corner of same and East corner of the N. A. Nelson Survey, Abstract No. 918;

Thence Northwesterly with the most southerly Southwest line of said Hickman Survey to the East corner of the Jas. A. Cummings, Survey, Abstract No. 647 and a lower North corner of said Nelson Survey;

Thence Southwesterly with the most Southerly Southeast line of said Cummings Survey to the South corner of same and an ell corner of said Nelson Survey;

Thence Northwesterly with the Southwest line of said Cummings Survey to the West corner of same and North corner of said Nelson Survey in the Southeast line of the W. W. Pace Survey, Abstract No. 484;

Thence Northeasterly with the Southeast line of said Pace Survey to the East corner of same and South corner of the Reuben Barrow Survey, Abstract No. 107;

Thence Northwesterly with the Southwest line of said Barrow Survey to the West corner of same and an ell corner of the T. F. Pinckney Survey, Abstract No. 1051;

Thence in a Southwesterly direction through the said Pinckney Survey to the South corner of the O. Denman Survey, Abstract No. 226 and an ell corner of said Pinckney Survey;

Thence Northwesterly with the Southwest line of said Denman Survey and a Northeast line of said Pinckney Survey to the North corner of same and the Northeast corner of the H & TC RR Survey, Abstract No. 316;

Thence Southerly with the East line of said H & TC RR Survey to the Southeast corner of same and upper Northeast corner of the H & TC RR Survey, Abstract No. 317;

Thence Westerly with the North line of said H & TC RR Survey, Abstract No. 317 and South line of said H & TC RR Survey, Abstract No. 316 to the Southwest corner of same and Northwest corner of said H & TC RR Survey, Abstract No. 317 in the upper East line of the H & TC RR Survey, Abstract No. 315;

Thence Southerly with the upper East line of said H & TC RR Survey, Abstract No. 315 to an ell corner of same and the most northerly Southwest corner of said H & TC RR Survey, Abstract No. 317;

Thence Easterly with the lower North line of said H & TC RR Survey, Abstract No. 315 to the lower Northeast corner of same and the Northwest corner of the Thomas F. Tyler Survey, Abstract No. 574;

Thence Southerly with the West line of said Tyler Survey and lower East line of the H & TC RR Survey, Abstract No. 315 to the lower Southeast corner of same and the upper Northeast corner of the D. B. Harris Survey, Abstract No. 1070;

Thence Westerly with the South line of said H & TC RR Survey, Abstract No. 315 to the Southwest corner of same and an ell corner of the H & TC RR Survey, Abstract No. 314;

Thence Northerly with the West line of the H & TC RR Survey, Abstract No. 315 and the middle East line of the H & TC RR Survey, Abstract No. 314 to the middle Northeast corner of same and the Southeast corner of the Jas. P. Nash Survey, Abstract No. 456;

Thence Westerly with the South line of said Nash Survey to a point in same where a line from the East line of the N. D. La Badie Survey, Abstract No. 388, were projected Northerly past the Northeast corner of said La Badie would intersect for a corner;

Thence Southerly on said line through the H & TC RR Survey, Abstract No. 314 to the Northeast corner of said La Badie Survey and an ell corner of the H & TC RR Survey, Abstract No. 314;

Thence Westerly with the North line of said La Badie Survey, the North line of the Benj. J. Harper Survey, Abstract No. 36 and the lower North line of the Wm. Johns Survey, Abstract No. 39 to an ell corner of same and the Southwest corner of the Wm. McFaddin Survey, Abstract No. 49;

Thence Northerly with the upper East line of said Johns Survey to the upper Northeast corner of same and the Southeast corner of the Eliz. Johnston Survey, Abstract No. 42;

Thence Westerly with the South line of said Johnston Survey, Abstract No. 42 and the North line of said Johns Survey to the Northwest corner of same and Southwest corner of said Johnston Survey;

Thence Northerly with the West line of said Johnston Survey to the Southeast corner of the Alex Thompson Survey, Abstract No. 1055 and the Northeast corner of the Daniel Wilburn Survey, Abstract No. 80;

Thence Westerly with the North line of said Wilburn Survey and the lower North line of the George Foster Survey, Abstract No. 816 to an ell corner of same and the Southwest corner of the Ann B. Crisswell Survey, Abstract No. 21;

Thence Northerly with the West line of said Crisswell to the North corner of the Thompson and Tucker Lumber Co. Survey, Abstract No. 835 and the Southeast corner of the George Smith Survey, Abstract No. 526;

Thence Southwesterly with Southeast line of said Smith Survey to the South corner of same and an ell corner of the I & GN RR Survey, Abstract No. 662;

Thence Northwest with the Southwest line of said Smith Survey to the most northerly corner of said I & GN RR Survey and the East corner of the Hiram Watts Survey, Abstract No. 601;

Thence Southwesterly with the Southeast line of said Watts Survey to the South corner of same and the East corner of the Thomas Cartwright Survey, Abstract No. 12;

Thence Northwesterly with the Northeast line of said Cartwright Survey to the North Corner of same and the most southerly Southeast corner of the J. Poitevent Survey, Abstract No. 502;

Thence Southwesterly with the Northwest line of said Cartwright Survey to the South corner of the J. Poitevent Survey, Abstract No. 942 and the East corner of the Oliver Peterson Survey, Abstract No. 760 and Abstract No. 745;

Thence Northwesterly with the Northeast line of said Peterson Survey to the North corner of same;

Thence Southwesterly with the Northwest line of said Peterson Survey to its intersection with the Polk-Trinity County line for the most Westerly and Termination Point; and said district shall have the powers and responsibilities provided by the aforesaid constitutional provision.

Sec. 2. The district hereby provided for shall assume full responsibility for providing medical and hospital care for the needy residing within the district; provided, however, that such hospital district shall not be created unless and until an election is duly held in the proposed area of Polk County for such purpose, which said election may be initi-

ated by the commissioners court upon its own motion or upon a petition of 50 resident qualified voters, to be held not less than 30 days from the time said election is ordered by the commissioners court. At such election, there shall be submitted to the qualified taxpaying voters the proposition of whether or not a hospital district shall be created in the area of the county as described in Section 1; and a majority of the qualified taxpaying electors participating in said election voting in favor of the proposition shall be necessary. The ballots for said election shall be printed to provide for voting for or against the proposition: "The creation of a hospital district; providing for the levy of a tax not to exceed 75 cents on the \$100 valuation."

Sec. 3. (a) The commissioners court of the county shall have the power and authority, and it shall be its duty, to levy on all property within the district subject to said hospital district taxation, for the benefit of the district at the same time taxes are levied for county purposes, using the county values and the county tax roll, a tax of not to exceed 75 cents on the \$100 valuation of all taxable property within the hospital district, for the purpose of:

• (1) paying the interest on and creating a sinking fund for bonds which may have been assumed or which may be issued by the hospital district for hospital purposes as herein provided;

(2) providing for the operation and maintenance of the hospital or hospital system; and

(3) when requested by the board of hospital managers of the hospital district and approved by the commissioners court, for the purpose of making further improvements and additions to the hospital system, and for the acquisition of necessary sites therefor, by purchase, lease, or condemnation.

(b) The tax so levied shall be collected on all property within the district subject to hospital district taxation by the assessor and collector of taxes for the county on the county tax values, and in the same manner and under the same conditions as county taxes. The assessor and collector of taxes shall charge and deduct from payments to the hospital district the fees for assessing and collecting the tax at the rate of not exceeding two percent of the amounts collected as may be determined by the commissioners court. Such fees shall be deposited in the county's general fund, and shall be reported as fees of office of the tax assessor and collector. Interest and penalties on taxes paid to the hospital district shall be the same as in the case of county taxes. Discounts shall be the same as for county taxes. The residue of tax collections, after deductions of discounts and fees for assessing and collecting, shall be deposited in the district depository; and such funds shall be withdrawn only as provided herein. All other income of the hospital district shall be deposited in like manner with the district depository. Warrants against the hospital district funds shall not require the signature of the county clerk.

(c) The commissioners court shall have the authority to levy the tax aforesaid for the entire year in which the said hospital district is established, for the purpose of securing funds to initiate the operation of the hospital district.

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Sec. 4. (a) The commissioners court shall have the power and authority to issue and sell as the obligations of such hospital district, bonds for the purchase, construction, acquisition, repair, or renovation of buildings and improvements and equipping same, for hospital purposes and for any or all of such purposes; provided, that a sufficient tax shall be levied to create an interest and sinking fund to pay the interest and principal as same matures provided said tax together with any other taxes levied for said district shall not exceed 75 cents in any one year. Such bonds shall be executed in the name of the hospital district and on its behalf by the county judge of the county, and countersigned by the county clerk, and shall be subject to the same requirements in the matter of approval thereof by the attorney general and the registration thereof by the comptroller as are by law provided for such approval and registration of bonds of such county; and the approval of such bonds by the attorney general shall have the same force and effect as is by law given to his approval of bonds of the county. No bonds shall be issued by such hospital district, except refunding bonds, until authorized by a majority vote of the legally qualified taxpaying voters residing in such hospital district voting at an election called and held in accordance with the provisions of Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended, relating to county bonds. Such election may be called by the commissioners court on its own motion, or shall be called by it after request thereof by the board of hospital managers of the district; and the commissioners court shall be responsible for the appointment of the persons to conduct such election and for the arrangement of all details to hold such election. The cost of any such election shall be a charge upon the hospital district and its funds; and the hospital district shall make provision for the payment thereof before the commissioners court shall be required to order such an election.

(b) In the manner hereinabove provided, the bonds of such hospital district may, without necessity of any election thereof, be issued for the purpose of refunding and paying off any bonded indebtedness theretofore assumed by the hospital district and any bonds theretofore issued by the hospital district; such refunding bonds may be sold and the proceeds thereof applied to the payment of any such outstanding bonds or may be exchanged in whole or in part for not less than a like amount of said outstanding bonds and interest matured thereon, but unpaid; provided the average interest cost per annum on the refunding bonds, computed in accordance with the recognized standard bond interest cost tables, shall not exceed the average interest cost per annum so computed upon the bonds to be discharged out of the proceeds of the refunding bonds, unless the total interest cost on the refunding bonds, computed to their respective maturity dates, is less than the total interest cost so computed on the bonds to be discharged out of such proceeds. In the foregoing computations, any premium or premiums required to be paid upon the bonds to be refunded as a condition to payment in advance of their stated maturity dates shall be taken into account as an addition to the net interest cost to the hospital district of the refunding bonds.

Sec. 5. (a) Any lands, buildings, or equipment that may be owned by the county, and by which medical services or hospital care, including geriatric care, are furnished to the indigent or needy persons of the county, if located in said district, shall become the property of the hospital district; and title thereto shall vest in the hospital district.

(b) All obligations under contract legally incurred by the county for the building of, or the support and maintenance of, hospital facilities,

which are located in said district, prior to the creation of the district but outstanding at the time of the creation of the district, shall be assumed and discharged by it without prejudice to the rights of third parties.

(c) Any outstanding bonded indebtedness incurred by the county in the acquisition of such lands, buildings, and equipment, or in the construction and equipping of such hospital facilities, together with any other outstanding bonds issued by the county for hospital purposes and the proceeds of which are in whole or in part still unspent, shall be assumed by the hospital district and become the obligation of the hospital district; and the county shall be by the hospital district relieved of any further liability for the payment thereof, or for providing interest and sinking fund requirements thereon; provided that nothing herein contained shall limit or affect any of the rights of any of the holders of such bonds against the payment of the principal or interest on any of such bonds in accordance with their respective terms.

(d) That in the event a hospital district is created in the north portion of Polk County and this said district is created, any outstanding bonds for hospital purposes either voted or issued shall become the obligation of both districts and a tax levied by said districts to retire said issue.

(e) The commissioners court, as soon as the hospital district is created and authorized at the election hereinabove provided, and there have been appointed and qualified the board of hospital managers hereinafter provided for, shall execute and deliver to the hospital district, to wit: to its said board of hospital managers, an instrument in writing conveying to said hospital district the hospital property, including lands, building and equipment, which are located in said district; and shall transfer to said hospital district the funds hereinabove provided to become vested in the hospital district, upon being furnished the certificate of the chairman of the board to the fact that a depository for the district's funds has been selected and has qualified; which funds shall, in the hands of the hospital district and of its board of hospital managers, be used for all or any of the same purposes as, and for no other purposes than, the purposes for which the county could lawfully have used the same had they remained the property and funds of such county.

Sec. 6. (a) The commissioners court shall appoint a board of hospital managers for the Livingston Hospital District, consisting of six members, who shall serve for a term of two years, with overlapping terms if desired, and with initial appointments to terms of office arranged accordingly, and provided that the county judge of the county shall be an ex officio member of said board of hospital managers. Failure of any member of the board of hospital managers to attend three consecutive regular meetings of the board shall cause a vacancy in his office, unless such absence is excused by formal action of the board. The board of hospital managers shall serve without compensation, but may be reimbursed for their actual and necessary traveling and other expenses incurred in the performance of their duties as determined by the board of hospital managers. The duties of the board of hospital managers shall be to manage, control, and administer the hospital or hospital system of the Livingston Hospital District. The board of hospitals managers for the Livingston Hospital District shall have the power and authority to sue and be sued and to promulgate rules and regulations for the operation of the hospital or hospital system.

(b) The board shall appoint a general manager, to be known as the administrator of the Livingston Hospital District. The administrator shall hold office for a term not exceeding two years and shall receive such compensation as may be fixed by the board. The administrator shall be subject to removal at any time by the board. The administrator shall, before entering into the discharge of his duties, execute a bond payable to the district, in the amount of not less than \$10,000, conditioned that he shall well and faithfully perform the duties required of him, and containing such other conditions as the board may require. The administrator shall perform all duties which may be required of him by the board, and shall supervise all of the work and activities of the district, and have general direction of the affairs of the district, within such limitations as may be prescribed by the board. He shall be a person qualified by training and experience for the position of administrator.

(c) The board of hospital managers shall have the authority to appoint or dismiss from the staff such doctors as it may be deemed necessary for the efficient operation of the district, and may provide for temporary appointments to the staff if warranted by circumstances. The board of managers shall have the authority to employ such employees of every kind and character as may be deemed advisable for the efficient operation of the hospital or hospital system; provided that no contract or term of employment shall exceed the period of two (2) years.

(d) The board of hospital managers, with the approval of the commissioners court, shall be authorized to contract with any county for hospitalization of the county sick, diseased, and injured persons, and with the state agencies of the federal government for the hospitalization of such persons for whom the state and such agencies of the federal government are responsible. Further, under the same conditions, the board of hospital managers may enter into such contract with the state and federal government as may be necessary to establish or continue a retirement program for the benefit of its employees.

(e) The board of hospital managers may in addition to retirement programs authorized by this Act establish such other retirement program for the benefit of its employees as it deems necessary and advisable.

(f) A majority of the board of hospital managers present shall constitute a quorum for the transaction of any business. From among its members, the board shall choose a chairman, who shall preside; or in his absence a chairman pro tem shall preside; and the administrator or any member of the board may be appointed secretary. The board shall require the secretary to keep suitable records of all proceedings of each meeting of the board. Such records shall be read and signed after each meeting by the chairman or the member presiding, and attested by the secretary. The board shall have a seal, on which shall be engraved the name of the Livingston Hospital District; and said seal shall be kept by the secretary and used in authentication of all acts of the board.

Sec. 7. The board of hospital managers shall have the power to prescribe the method and manner of making purchases and expenditures by and for such hospital district, and also shall be authorized to prescribe all accounting and control procedures. The board shall cause an annual audit to be made of the books and records of the district as soon as practicable after the close of each fiscal year, such audit to cover such fiscal year, and to



be made by an independent public accountant. The hospital district shall pay all salaries and expenses necessarily incurred by the board or any of its officers and agents in performing any duties which may be prescribed or required under this section. It shall be the duty of any officer, employee, or agent of the board to perform and carry out any function or service prescribed by the board hereunder.

Sec. 8. In the event of incapacity, absence, or inability of the administrator to discharge any of the duties required of him, the board may designate an assistant to the administrator to discharge any duties or functions required of the administrator. Such assistant or other persons shall give bond and have such limitations upon his authority as may be fixed by the order of the board.

Sec. 9. Once each year, as soon as practicable after the close of the fiscal year, the administrator of the hospital district shall report to the board of hospital managers and the commissioners court, a full sworn statement of all moneys and choses in action received by such administrator and how disbursed or otherwise disposed of. Such report shall show in detail the operations of the district for the year. Under the direction of the board of hospital managers, he shall prepare an annual budget which shall be approved by the board of hospital managers.

Sec. 10. The hospital district organized in pursuance of this Act shall have the right and power of eminent domain for the purpose of acquiring by condemnation any and all property of any kind or character, real, personal, or mixed, or any interest therein, including outright ownership of such property in fee simple absolute, within the boundaries of the said district, necessary or convenient to the exercise of the rights, powers, privileges, and functions conferred upon it by this Act, in the manner provided by general law with respect to condemnation; provided that the said district shall not be required to make deposits in the registry of the trial court of the sum required by Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended, or to make the bond required therein. In condemnation proceedings being prosecuted by the said district, the district shall not be required to pay in advance or give any bond otherwise required for the issuance of a temporary restraining order or a temporary injunction relating to a condemnation proceeding, nor to give bond for costs or for supersedeas or any appeal or writ of error proceeding to any court of civil appeals, or to the supreme court.

Sec. 11. Within 30 days after the appointment of the board of hospital managers of the district and each two years thereafter the said board shall select a depository for such district which shall be one or the same depository theretofore selected by the county, such depository shall secure all funds of the district in the manner now provided for the security of county funds.

Sec. 12. The hospital district established or maintained under the provisions of this Act shall be subject to inspection by any duly authorized representative of the State Department of Health and of the commissioners court of the county, and resident officers shall admit such representatives into all hospital district facilities and give them access on demand to all records, reports, books, papers, and accounts pertaining to the hospital district.

Sec. 13. (a) It shall be the duty of the county attorney, district attorney, or criminal district attorney, as the case may be, charged with

the duty of representing the county in civil matters, to represent the hospital district in all legal matters; provided, however that the board of hospital managers shall be authorized at its discretion to employ additional legal counsel when the board deems it advisable.

(b) The hospital district shall contribute sufficient funds to the general fund of the county for the account of the budget of the county attorney, district attorney, or criminal district attorney, as the case may be, to pay all additional salaries and expenses incurred by such officer in performing the duties required of him by the district.

Sec. 14. (a) Neither the county nor any city located within the hospital district shall, after the Livingston Hospital District has been organized in pursuance of this Act, levy any tax for hospital purposes; except that this said district shall levy a tax sufficient for interest and sinking funds to retire whatever bonds that have been authorized or issued which were voted county-wide for hospital purposes which are assumed by the Livingston Hospital District and said levy of said tax shall be levied in the Livingston Hospital District and collected by the county and paid to the Livingston Hospital District to retire said bonds; the amount levied, or tax levied shall be the same in both districts for the payment of said bonds; and this said hospital district shall be deemed to have assumed full responsibility for the furnishing of medical and hospital care for the needy and indigent person residing in said Livingston Hospital District from the date that taxes are collected for the hospital district.

(b) That portion of delinquent taxes owed the county on levies for the present county hospital system shall continue to be paid to the county as collected.

Sec. 15. Whenever a patient has been admitted to the facilities of the hospital district from the county, the administrator shall cause inquiry to be made as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives are liable to pay for his care and treatment in whole or in part, an order shall be made directing such patient, or said relatives, to pay to the hospital district for the care of such patient a specified sum per week, in proportion to their financial ability, but such sum shall not exceed the actual per capita cost of maintenance. The administrator shall have power and authority to collect such sum from the estate of the patient, or his relatives legally liable for his support, in the manner provided by law for the collection of expenses of the last illness of a deceased person. If the administrator finds that such patient or said relatives are not able to pay, either in whole or in part, for his care and treatment in such hospital, the same shall become a charge upon the hospital district. Should there be a dispute as to the ability to pay, or doubt in the mind of the administrator, the county court shall hear and determine same, after calling witnesses, and shall make such order as may be proper, from which appeal shall lie to the district court by either party to the dispute.

Sec. 16. The board of hospital managers of the hospital district is authorized on behalf of said hospital district to accept donations, gifts, and endowments for the hospital district, to be held in trust and administered by the board of hospital managers for such purposes and under

such directions, limitations, and provisions as may be prescribed in writing by donor, not inconsistent with proper management and objects of the hospital district.

Sec. 17. All bonds, including refunding bonds, issued by or assumed by the district authorized to be established and created under the provisions of this Act shall be and are declared to be legal and authorized investments for banks, savings banks, trust companies, fiduciaries, building and loan associations, insurance companies, trustees, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. The bond shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas, and such bonds shall be lawful and sufficient security for deposits to the extent of their face value when accompanied by all unmatured coupons appurtenant thereto.

Sec. 18. The Legislature hereby finds affirmatively that 30 days' public notice was duly given in accordance with the provisions of Article IX, Section 9, of the Texas Constitution, of the intention to apply to this Legislature to enact a law providing for the creation, establishment, maintenance, and operation of the Livingston Hospital District herein provided for.

Sec. 19. If any word, phrase, sentence, section, portion, or provision of this Act or the application thereof to any person or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act, and the application of such word, phrase, sentence, section, portion, or provision to other persons or circumstances, shall not be affected thereby. In the event any of the provisions hereof shall be in conflict with any other law of this state, the provisions of this Act shall prevail.

Sec. 20. The fact that the Livingston Hospital District authorized to be created and established under the provisions of this Act is for the promotion of the public welfare of the inhabitants of the county and the procedure for the creation thereof should be established at an early date creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. John Hannah offered the following amendments to Committee Amendment No. 1:

Amend SB 966 by deleting subsection (c), Section 6, and substituting therefor the following:

"(c) The board of hospital managers shall have the authority to appoint or dismiss from the staff such doctors as it may be deemed necessary for the efficient operation of the district, and may provide for temporary appointments to the staff if warranted by circumstances. The board of managers shall have the authority to employ such employees of every kind and character as may be deemed advisable for the efficient operation of the hospital or hospital system; provided that no contract or term of employment shall exceed the period of two (2) years."

Amend SB 966 by deleting subsection (d), Section 6 and substituting therefor the following:

"(d) The board of hospital managers, with the approval of the commissioners court, shall be authorized to contract with any county for hospitalization of the county sick, diseased, and injured persons, and with the state and agencies of the federal government for the hospitalization of such persons for whom the state and such agencies of the federal government are responsible. Further, under the same conditions, the board of hospital managers may enter into such contract with the state and federal government as may be necessary to establish or continue a retirement program for the benefit of its employees."

Amend SB 966, First House Printing, as follows:

(1) Strike the word "property" on line 31, page 1; lines 15 and 17, page 5; line 22, page 6.

(2) Insert the words "within the district" between the words "property" and "for" on line 36, page 1.

The amendments were severally adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Mr. Hubenak offered the following committee amendment to the bill:

Committee Amendment No. 2

Strike all above the enacting clause and substitute in lieu thereof the following:

A bill to be entitled An Act authorizing the creation of a hospital district under the provisions of Article IX, Section 9, of the Texas Constitution in Polk County, Texas; providing the boundaries of the district; providing for the assumption of all outstanding indebtedness of Polk County incurred for hospital purposes; providing said district shall assume responsibility for medical and hospital care for the needy residing within the district; providing that such district shall not be created until authorized by a majority vote of the qualified taxpaying electors in said district at an election called by the commissioners court on its own motion or upon petition; prescribing the form of the ballot for said election; authorizing the levy of a tax by said district not exceeding 75 cents on the \$100 valuation of taxable property within the district for the purpose of maintaining and operating a hospital or hospitals and making additions and improvements thereto; providing for the method of assessing and collecting of taxes; authorizing the issuance of bonds by the district and prescribing the procedure therefor; authorizing the issuance of refunding bonds by the district; authorizing the conveyance of all hospital properties by Polk County to the hospital district which are located in said district; providing for the appointment of a board of hospital managers for said district and prescribing its powers and duties; authorizing the establishment of a retirement system for employees of the district; granting the power of eminent domain to the district; providing for the selection of a depository for funds of the district; prescribing

ing duties of officers of the district and other officers of the county and state with respect to the district; prohibiting the levy of any tax by Polk County, or any city therein, for hospital purposes after the creation of the district except taxes to pay for hospital bonds already voted and not now issued by said county which are not assumed by said district and providing that if a hospital district is created in the south portion of Polk County which assumes the payment of said bonds, a tax to be levied in this district to pay the pro rata share of said bonds; making bonds of the district eligible for investment of certain funds and as security for certain deposits; making a finding that local notice has been properly given; providing a savings clause; and declaring an emergency.

The committee amendment was adopted without objection.

SB 966, as amended, was passed to third reading.

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Representative Atwood entered the House and was announced present.

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**HB 1761—LAID ON THE TABLE SUBJECT TO CALL**

Mr. John Hannah moved that HB 1761 be laid on the table subject to call.

The motion prevailed without objection.

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Representatives Truan, Moreno, and Santiesteban entered the House and were announced present.

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**SB 965 ON SECOND READING**  
(Mr. John Hannah—House Sponsor)

The Speaker laid before the House, in lieu of HB 1760, on its second reading and passage to third reading,

SB 965, Creating Corrigan Hospital District of Polk County.

The bill was read second time.

Mr. Hubenak offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 965 by striking all below the enacting clause and substituting the following:

Section 1. In accordance with the provisions of Article IX, Section 9, of the Texas Constitution, this Act shall be operative so as to authorize

the creation, establishment, maintenance, and operation of a hospital district within the State of Texas, to be known as Corrigan Hospital District of Polk County, Texas, and the boundaries of said district shall be as follows, to wit:

Comprising all of the lands in Polk County, Texas, adjacent to and Northerly from the following described line:

Beginning on the East line of Polk County, same being the West line of Tyler County, in the upper North line of the H. Schroden Survey, Abstract No. 535 and the lower South line of the W. T. Carter & Bros. Survey, Abstract No. 988;

Thence Westerly with said line to the Northerly Northwest corner of said Schroden Survey and Southerly Southwest corner of said W. T. Carter & Bros. Survey, in the East line of the John Warden Survey, Abstract No. 609;

Thence Northerly with the East line of said Warden Survey to the Northeast corner of same and an ell corner of said W. T. Carter & Bros. Survey;

Thence Westerly with the north line of said Warden Survey and the upper south line of said W. T. Carter & Bros. Survey to the Northwest corner of said Warden Survey, same being the lower Northeast corner of the H.&T.C. RR Survey, Abstract No. 323;

Thence Southerly with the West line of said Warden Survey and the lower East line of said H. & T. C. RR Survey to the Southeast corner of same, being also the easterly Northeast corner of the Conrad Bering Survey, Abstract No. 945;

Thence Westerly with the South line of said H. & T.C. RR Survey and the lower North line of said Conrad Bering Survey to an ell corner of same and the Southerly Southwest corner of said H. & T.C. RR Survey;

Thence Northerly with the westerly East line of said Bering Survey to the Westerly Northeast corner of same and the Southeast corner of the F. Prentiss Survey, Abstract No. 471;

Thence Westerly with the South line of said Prentiss Survey and the upper North line of said Bering Survey to the Northwest corner of same and southwest corner of the Prentiss Survey in the East line of the William Lake Survey, Abstract No. 401;

Thence Northerly with the East line of said Lake Survey and East line of the Jefferson Atkins Survey, Abstract No. 95 to the Northeast corner of same and the Southeast corner of the John Bowyer Survey, Abstract No. 131;

Thence Westerly with the South line of said Bowyer Survey and North line of said Atkins Survey to an ell corner of same and the lower Southwest corner of said Bowyer Survey;

Thence Northwesterly with the Northeast line of said Atkins Survey to the North corner of same and an ell corner of said Bowyer Survey;

Thence Southwesterly with a line of said Bowyer Survey to the upper Southwest corner of same and the Southeast corner of the W. T. Carter Survey, Abstract No. 972;

Thence Northerly with the West line of said Bowyer Survey and east line of said Carter Survey to the Northeast corner of same and the Southeast corner of the Wm. Wallis Survey, Abstract No. 632;

Thence Westerly with the South line of said Wallis Survey and South line of Wm. M. White Survey, Abstract No. 628 to the Southwest corner of same and the upper Northwest corner of the I & GN RR Survey, Abstract No. 655 and a corner of the Theo. C. Clark, Abstract No. 168;

Thence Southeasterly with the Northeast Line of said Clark to the East corner of same and an ell corner of said I & GN RR Survey;

Thence Southwesterly with the Southeast line of said Clark Survey to the South corner of same and an ell corner of said I & GN RR Survey;

Thence Northwesterly with the Southwest line of said Clark Survey and Northeast line of the M. White Survey, Abstract No. 887 to the North corner of same and East corner of the Jas. Hickman Survey, Abstract No. 780 and in the Southwest line of the I&GN RR Survey, Abstract No. 717;

Thence Southwesterly with the upper Southeast line of said Hickman Survey and upper Northwest line of said White Survey to a Westerly corner of same and an ell corner of said Hickman Survey;

Thence Southeasterly with the lower Northeast line of said Hickman to an East corner of same and an ell corner of said White Survey;

Thence Southwesterly with the Southeast line of said Hickman Survey to the South corner of same and East corner of the N. A. Nelson Survey, Abstract No. 918;

Thence Northwesterly with the most southerly Southwest line of said Hickman Survey to the East corner of the Jas. A. Cummings, Survey, Abstract No. 647 and a lower North corner of said Nelson Survey;

Thence Southwesterly with the most Southerly Southeast line of said Cummings Survey to the South corner of same and an ell corner of said Nelson Survey;

Thence Northwesterly with the Southwest line of said Cummings Survey to the West corner of same and North corner of said Nelson Survey in the Southeast line of the W. W. Pace Survey, Abstract No. 484;

Thence Northeasterly with the Southeast line of said Pace Survey to the East corner of same and South corner of the Reuben Barrow Survey, Abstract No. 107;

Thence Northwesterly with the Southwest line of said Barrow Survey to the West corner of same and an ell corner of the T. F. Pinckney Survey, Abstract No. 1051;

Thence in a Southwesterly direction through the said Pinckney Survey to the South corner of the O. Denman Survey, Abstract No. 226 and an ell corner of said Pinckney Survey;

Thence Northwesterly with the Southwest line of said Denman Survey and a Northeast line of said Pinckney Survey to the North corner of same and the Northeast corner of the H & TC RR Survey, Abstract No. 316;

Thence Southerly with the East line of said H & TC RR Survey to the Southeast corner of same and upper Northeast corner of the H & TC RR Survey, Abstract No. 317;

Thence Westerly with the North line of said H & TC RR Survey, Abstract No. 317 and South line of said H & TC RR Survey, Abstract No. 316 to the Southwest corner of same and Northwest corner of said H & TC RR Survey, Abstract No. 317 in the upper East line of the H & TC RR Survey, Abstract No. 315;

Thence Southerly with the upper east line of said H & TC RR Survey, Abstract No. 315 to an ell corner of same and the most northerly Southwest corner of said H & TC RR Survey, Abstract No. 317;

Thence Easterly with the lower North line of said H & TC RR Survey, Abstract No. 315 to the lower Northeast corner of same and the Northwest corner of the Thomas F. Tyler Survey, Abstract No. 574;

Thence Southerly with the West line of said Tyler Survey and lower East line of the H & TC RR Survey, Abstract No. 315 to the lower Southeast corner of same and the upper Northeast corner of the D. B. Harris Survey, Abstract No. 1070;

Thence Westerly with the South line of said H & TC RR Survey, Abstract No. 315 to the Southwest corner of same and an ell corner of the H & TC RR Survey, Abstract No. 314;

Thence Northerly with the West line of the H & TC RR Survey, Abstract No. 315 and the middle East line of the H & TC RR Survey, Abstract No. 314 to the middle Northeast corner of same and the Southeast corner of the Jas. P. Nash Survey, Abstract No. 456;

Thence Westerly with the South line of said Nash Survey to a point in same where a line from the East line of the N. D. La Badie Survey, Abstract No. 388, were projected Northerly past the Northeast corner of said La Badie would intersect for a corner;

Thence Southerly on said line through the H & TC RR Survey, Abstract No. 314 to the Northeast corner of said La Badie Survey and an ell corner of the H & TC RR Survey, Abstract No. 314;

Thence Westerly with the North line of said La Badie Survey, the North line of the Benj. J. Harper, Survey, Abstract No. 36 and the lower North line of the Wm. Johns Survey, Abstract No. 39 to an ell corner of same and the Southwest corner of the Wm. McFaddin Survey, Abstract No. 49;



Thence Northerly with the upper East line of said Johns Survey to the upper Northeast corner of same and the Southeast corner of the Eliz. Johnston Survey, Abstract No. 42;

Thence Westerly with the South line of said Johnston Survey, Abstract No. 42 and the North line of said Johns Survey to the Northwest corner of same and Southwest corner of said Johnston Survey;

Thence Northerly with the West line of said Johnston Survey to the Southeast corner of the Alex Thompson Survey, Abstract No. 1055 and the Northeast corner of the Daniel Wilburn Survey, Abstract No. 80;

Thence Westerly with the North line of said Wilburn Survey and the lower North line of the George Foster Survey, Abstract No. 816 to an ell corner of same and the Southwest corner of the Ann B. Crisswell Survey, Abstract No. 21;

Thence Northerly with the West line of said Crisswell to the North corner of the Thompson and Tucker Lumber Co. Survey, Abstract No. 835 and the Southeast corner of the George Smith Survey, Abstract No. 526;

Thence Southwesterly with Southeast line of said Smith Survey to the South corner of same and an ell corner of the I & GN RR Survey, Abstract No. 662;

Thence Northwest with the Southwest line of said Smith Survey to the most northerly corner of said I & GN RR Survey and the East corner of the Hiram Watts Survey, Abstract No. 601;

Thence Southwesterly with the Southeast line of said Watts Survey to the South corner of same and the East corner of the Thomas Cartwright Survey, Abstract No. 12;

Thence Northwesterly with the Northeast line of said Cartwright Survey to the North Corner of same and the most southerly Southeast corner of the J. Poitevent Survey, Abstract No. 502;

Thence Southwesterly with the Northwest line of said Cartwright Survey to the South corner of the J. Poitevent Survey, Abstract No. 942 and the East corner of the Oliver Peterson Survey, Abstract No. 760 and Abstract No. 745;

Thence Northwesterly with the Northeast line of said Peterson Survey to the North corner of same;

Thence Southwesterly with the Northwest line of said Peterson Survey to its intersection with the Polk-Trinity County line for the most Westerly and Termination Point; and said district shall have the powers and responsibilities provided by the aforesaid constitutional provision.

Sec. 2. The district hereby provided for shall assume full responsibility for providing medical and hospital care for the needy residing within the district; provided, however, that such hospital district shall not be created unless and until an election is duly held in the proposed area of Polk County for such purpose, which said election may be initiated by the commissioners court upon its own motion or upon a petition of

50 resident qualified voters, to be held not less than 30 days from the time said election is ordered by the commissioners court. At such election, there shall be submitted to the qualified taxpaying voters the proposition of whether or not a hospital district shall be created in the area of the county as described in Section 1; and a majority of the qualified taxpaying electors participating in said election voting in favor of the proposition shall be necessary. The ballots for said election shall be printed to provide for voting for or against the following proposition: "The creation of a hospital district; providing for the levy of a tax not to exceed 75 cents on the \$100 valuation."

Sec. 3. (a) The commissioners court of the county shall have the power and authority, and it shall be its duty, to levy on all property within the district subject to said hospital district taxation, for the benefit of the district at the same time taxes are levied for county purposes, using the county values and the county tax roll, a tax of not to exceed 75 cents on the \$100 valuation of all taxable property within the hospital district, for the purpose of:

(1) paying the interest on and creating a sinking fund for bonds which may have been assumed or which may be issued by the hospital district for hospital purposes as herein provided;

(2) providing for the operation and maintenance of the hospital or hospital system; and

(3) when requested by the board of hospital managers of the hospital district and approved by the commissioners court, for the purpose of making further improvements and additions to the hospital system, and for the acquisition of necessary sites therefor, by purchase, lease, or condemnation.

(b) The tax so levied shall be collected on all property within the district subject to hospital district taxation by the assessor and collector of taxes for the county on the county tax values, and in the same manner and under the same conditions as county taxes. The assessor and collector of taxes shall charge and deduct from payments to the hospital district the fees for assessing and collecting the tax at the rate of not exceeding two percent of the amounts collected as may be determined by the commissioners court. Such fees shall be deposited in the county's general fund, and shall be reported as fees of office of the tax assessor and collector. Interest and penalties on taxes paid to the hospital district shall be the same as in the case of county taxes. Discounts shall be the same as for county taxes. The residue of tax collections, after deduction of discounts and fees for assessing and collecting, shall be deposited in the district depository; and such funds shall be withdrawn only as provided herein. All other income of the hospital district shall be deposited in like manner with the district depository; warrants against the hospital district funds shall not require the signature of the county clerk.

(c) The commissioners court shall have the authority to levy the tax aforesaid for the entire year in which the said hospital district is established, for the purpose of securing funds to initiate the operation of the hospital district.

Sec. 4. (a) The commissioners court shall have the power and authority to issue and sell as the obligations of such hospital district, bonds

for the purchase, construction, acquisition, repair, or renovation of buildings and improvements and equipping same, for hospital purposes and for any or all of such purposes; provided, that a sufficient tax shall be levied to create an interest and sinking fund to pay the interest and principal as same matures provided said tax together with any other taxes levied for said district shall not exceed 75 cents in any one year. Such bonds shall be executed in the name of the hospital district and on its behalf by the county judge of the county, and countersigned by the county clerk, and shall be subject to the same requirements in the matter of approval thereof by the attorney general and the registration thereof by the comptroller of public accounts as are by law provided for such approval and registration of bonds of such county; and the approval of such bonds by the attorney general shall have the same force and effect as is by law given to his approval of bonds of the county. No bonds shall be issued by such hospital district, except refunding bonds, until authorized by a majority vote of the legally qualified taxpaying voters residing in such hospital district voting at an election called and held in accordance with the provisions of Chapter 1, Title 22, of the Revised Civil Statutes of Texas, 1925, as amended, relating to county bonds. Such election may be called by the commissioners court on its own motion, or shall be called by it after request thereof by the board of hospital managers of the district; and the commissioners court shall be responsible for the appointment of the persons to conduct such election and for the arrangement of all details to hold such election. The cost of any such election shall be a charge upon the hospital district and its funds; and the hospital district shall make provision for the payment thereof before the commissioners court shall be required to order such an election.

(b) In the manner hereinabove provided, the bonds of such hospital district may, without necessity of any election thereof, be issued for the purpose of refunding and paying off any bonded indebtedness theretofore assumed by the hospital district and any bonds theretofore issued by the hospital district; such refunding bonds may be sold and the proceeds thereof applied to the payment of any such outstanding bonds or may be exchanged in whole or in part for not less than a like amount of said outstanding bonds and interest matured thereon, but unpaid; provided the average interest cost per annum on the refunding bonds, computed in accordance with the recognized standard bond interest cost tables, shall not exceed the average interest cost per annum so computed upon the bonds to be discharged out of the proceeds of the refunding bonds, unless the total interest cost on the refunding bonds, computed to their respective maturity dates, is less than the total interest cost so computed on the bonds to be discharged out of such proceeds. In the foregoing computations, any premium or premiums required to be paid upon the bonds to be refunded as a condition to payment in advance of their stated maturity dates shall be taken into account as an addition to the net interest cost to the hospital district of the refunding bonds.

Sec. 5. (a) Any lands, buildings, or equipment that may be owned by the county, and by which medical services or hospital care, including geriatric care, are furnished to the indigent or needy persons of the county, or if located in said district, shall become the property of the hospital district; and title thereto shall vest in the hospital district. All obligations under contract legally incurred by the county for the building of, or the support and maintenance of, hospital facilities, which are located in said district, prior to the creation of the district but outstanding at the time of the

creation of the district, shall be assumed and discharged by it without prejudice to the rights of third parties.

(b) The commissioners court, as soon as the hospital district is created and authorized at the election hereinabove provided, and there have been appointed and qualified the board of hospital managers hereinafter provided for, shall execute and deliver to the hospital district, to wit: to its said board of hospital managers, an instrument in writing conveying to said hospital district the hospital property, including lands, building, and equipment, which are located in said district; and shall transfer to said hospital district the funds hereinabove provided to become vested in the hospital district, upon being furnished the certificate of the chairman of the board to the fact that a depository for the district's funds has been selected and has qualified; which funds shall, in the hands of the hospital district and of its board of hospital managers, be used for all or any of the same purposes as, and for no other purposes than, the purposes for which the county could lawfully have used the same had they remained the property and funds of such county.

Sec. 6. (a) The commissioners court shall appoint a board of hospital managers for the Corrigan Hospital District, consisting of six members, who shall serve for a term of two years, with overlapping terms if desired, and with initial appointments to terms of office arranged accordingly, and provided that the county judge of the county shall be an ex officio member of said board of hospital managers. Failure of any member of the board of hospital managers to attend three consecutive regular meetings of the board shall cause a vacancy in his office, unless such absence is excused by formal action of the board. The board of hospital managers shall serve without compensation, but may be reimbursed for their actual and necessary traveling and other expenses incurred in the performance of their duties as determined by the board of hospital managers. The duties of the board of hospital managers shall be to manage, control, and administer the hospital or hospital system of the Corrigan Hospital District. The board of hospital managers for the Corrigan Hospital District shall have the power and authority to sue and be sued and to promulgate rules and regulations for the operation of the hospital or hospital system.

(b) The board shall appoint a general manager, to be known as the administrator of the Corrigan Hospital District. The administrator shall hold office for a term not exceeding two years and shall receive such compensation as may be fixed by the board. The administrator shall be subject to removal at any time by the board. The administrator shall, before entering into the discharge of his duties, execute a bond payable to the district, in the amount of not less than \$10,000, conditioned that he shall well and faithfully perform the duties required of him, and containing such other conditions as the board may require. The administrator shall perform all duties which may be required of him by the board, and shall supervise all of the work and activities of the district, and have general direction of the affairs of the district, within such limitations as may be prescribed by the board. He shall be a person qualified by training and experience for the position of administrator.

(c) The board of hospital managers shall have the authority to appoint or dismiss from the staff such doctors as it may be deemed necessary for the efficient operation of the district, and may provide for temporary appointments to the staff if warranted by circumstances. The board of managers shall have the authority to employ such employees of every kind

and character as may be deemed advisable for the efficient operation of the hospital or hospital system; provided that no contract or term of employment shall exceed the period of two (2) years.

(d) The board of hospital managers, with the approval of the commissioners court, shall be authorized to contract with any county for hospitalization of the county sick, diseased, and injured persons, and with the state and agencies of the federal government for the hospitalization of such persons for whom the state and such agencies of the federal government are responsible. Further, under the same conditions, the board of hospital managers may enter into such contract with the state and federal government as may be necessary to establish or continue a retirement program for the benefit of its employees.

(e) The board of hospital managers may in addition to retirement programs authorized by this Act establish such other retirement programs for the benefit of its employees as it deems necessary and advisable.

(f) A majority of the board of hospital managers present shall constitute a quorum for the transaction of any business. From among its members, the board shall choose a chairman, who shall preside; or in his absence a chairman pro tem shall preside; and the administrator or any member of the board may be appointed secretary. The board shall require the secretary to keep suitable records of all proceedings of each meeting of the board. Such records shall be read and signed after each meeting by the chairman or the member presiding, and attested by the secretary. The board shall have a seal, on which shall be engraved the name of the Corrigan Hospital District; and said seal shall be kept by the secretary and used in authentication of all acts of the board.

Sec. 7. The board of hospital managers shall have the power to prescribe the method and manner of making purchases and expenditures by and for such hospital district, and also shall be authorized to prescribe all accounting and control procedures. The board shall cause an annual audit to be made of the books and records of the district as soon as practicable after the close of each fiscal year, such audit to cover such fiscal year, and to be made by an independent public accountant. The hospital district shall pay all salaries and expenses necessarily incurred by the board or any of its officers and agents in performing any duties which may be prescribed or required under this section. It shall be the duty of any officer, employee, or agent of the board to perform and carry out any function or service prescribed by the board hereunder.

Section 8. In the event of incapacity, absence, or inability of the administrator to discharge any of the duties required of him, the board may designate an assistant to the administrator to discharge any duties or functions required of the administrator. Such assistant or other persons shall give bond and have such limitations upon his authority as may be fixed by the order of the board.

Sec. 9. Once each year, as soon as practicable after the close of the fiscal year, the administrator of the hospital district shall report to the board of hospital managers and the commissioners court, a full sworn statement of all moneys and choses in action received by such administrator and how disbursed or otherwise disposed of. Such report shall show in

detail the operations of the district for the year. Under the direction of the board of hospital managers, he shall prepare an annual budget which shall be approved by the board of hospital managers.

Sec. 10. The hospital district organized in pursuance of this Act shall have the right and power of eminent domain for the purpose of acquiring by condemnation any and all property of any kind or character, real, personal, or mixed, or any interest therein, including outright ownership of such property in fee simple absolute, within the boundaries of the said district, necessary or convenient to the exercise of the rights, powers, privileges, and functions conferred upon it by this Act, in the manner provided by general laws with respect to condemnation; provided that the said district shall not be required to make deposits in the registry of the trial court of the sum required by Paragraph 2 in Article 3268, Revised Civil Statutes of Texas, 1925, as amended, or to make the bond required therein. In condemnation proceedings being prosecuted by the said district, the district shall not be required to pay in advance or give any bond otherwise required for the issuance of a temporary restraining order or a temporary injunction relating to a condemnation proceeding, nor to give bond for costs or for supersedeas or any appeal or writ of error proceeding to any court of civil appeals, or to the supreme court.

Sec. 11. Within 30 days after the appointment of the board of hospital managers of the district and each two years thereafter the said board shall select a depository for such district which shall be one or the same depository theretofore selected by the county, such depository shall secure all funds of the district in the manner now provided for the security of county funds.

Sec. 12. The hospital district established or maintained under the provisions of this Act shall be subject to inspection by and duly authorized representatives of the State Department of Health and of the commissioners court of the county, and resident officers shall admit such representatives into all hospital district facilities and give them access on demand to all records, reports, books, papers, and accounts pertaining to the hospital district.

Sec. 13. (a) It shall be the duty of the county attorney, district attorney, or criminal district attorney, as the case may be, charged with the duty of representing the county in civil matters, to represent the hospital district in all legal matters; provided, however that the board of hospital managers shall be authorized at its discretion to employ additional legal counsel when the board deems it advisable.

(b) The hospital district shall contribute sufficient funds to the general fund of the county for the account of the budget of the county attorney, district attorney, or criminal district attorney, as the case may be, to pay all additional salaries and expenses incurred by such officer in performing the duties required of him by the district.

Sec. 14. (a) Neither the county nor any city located within the hospital district shall, after the Corrigan Hospital District has been organized in pursuance of this Act, levy any tax for hospital purposes; except that the county shall levy a tax sufficient for interest and sinking funds to retire whatever bonds that have been authorized or issued which were voted countywide for hospital purposes and no part of which are

assumed by the Corrigan Hospital District; the amount levied being no more than their respective proportionate share; and in the event that a hospital district is created in the south portion of said county and that district assumes the payment of the bonds, then in that event the county will levy a tax in this district to pay the proportionate share of the bonds so assumed by the other district; and this said hospital district shall be deemed to have assumed full responsibility for the furnishing of medical and hospital care for the needy and indigent persons residing in said Corrigan Hospital District from the date that taxes are collected for the hospital district.

(b) That portion of delinquent taxes owed the county on levies for the present county hospital system shall continue to be paid to the county as collected.

Sec. 15. Whenever a patient has been admitted to the facilities of the hospital district from the county, the administrator shall cause inquiry to be made as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives are liable to pay for his care and treatment in whole or in part, an order shall be made directing such patient, or said relatives, to pay to the hospital district for the care of such patient a specified sum per week, in proportion to their financial ability but such sum shall not exceed the actual per capita cost of maintenance. The administrator shall have power and authority to collect such sum from the estate of the patient, or his relatives legally liable for his support, in the manner provided by law for the collection of expenses of the last illness of a deceased person. If the administrator finds that such patient or said relatives are not able to pay, either in whole or in part, for his care and treatment in such hospital, the same shall become a charge upon the hospital district. Should there be a dispute as to the ability to pay, or doubt in the mind of the administrator, the county court shall hear and determine same, after calling witnesses, and shall make such order as may be proper, from which appeal shall lie to the district court by either party to the dispute.

Sec. 16. The board of hospital managers of the hospital district is authorized on behalf of said hospital district to accept donations, gifts, and endowments for the hospital district, to be held in trust and administered by the board of hospital managers for such purposes and under such directions, limitations, and provisions as may be prescribed in writing by donor, not inconsistent with proper management and objects of the hospital district.

Sec. 17. All bonds, including refunding bonds, issued by or assumed by the district authorized to be established and created under the provisions of this Act shall be and are declared to be legal and authorized investments for banks, savings banks, trust companies, fiduciaries, building and loan associations, insurance companies, trustees, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. The bond shall be eligible to secure the deposit of any and all public funds of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas, and the bonds shall be lawful and sufficient security for deposits to the extent of their face value when accompanied by all unmatured coupons appurtenant thereto.

Sec. 18. The Legislature hereby finds affirmatively that 30 days' public notice was duly given in accordance with the provisions of Article IX,

Section 9, of the Constitution of the State of Texas, of the intention to apply to this Legislature to enact a law providing for the creation, establishment, maintenance, and operation of the Corrigan Hospital District herein provided for.

Sec. 19. If any word, phrase, sentence, section, portion, or provision of this Act or the application thereof to any person or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act, and the application of such word, phrase, sentence, section, portion, or provision to other persons or circumstances, shall not be affected thereby. In the event any of the provisions hereof shall be in conflict with any other law of this state, the provisions of this Act shall prevail.

Sec. 20. The fact that the Corrigan Hospital District authorized to be created and established under the provisions of this Act is for the promotion of the public welfare of the inhabitants of the county and the procedure for the creation thereof should be established at an early date creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. John Hannah offered the following amendments to Committee Amendment No. 1:

Amend SB 965 by deleting subsection (c), Section 6, and substituting therefor the following:

"(c) The board of hospital managers shall have the authority to appoint or dismiss from the staff such doctors as it may be deemed necessary for the efficient operation of the district, and may provide for temporary appointments to the staff if warranted by circumstances. The board of managers shall have the authority to employ such employees of every kind and character as may be deemed advisable for the efficient operation of the hospital or hospital system; provided that no contract or term of employment shall exceed the period of two (2) years."

Amend SB 965 by deleting subsection (d), Section 6 and substituting therefor the following:

"(d) The board of hospital managers, with the approval of the commissioners court, shall be authorized to contract with any county for hospitalization of the county sick, diseased, and injured persons, and with the state and agencies of the federal government for the hospitalization of such persons for whom the state and such agencies of the federal government are responsible. Further, under the same conditions, the board of hospital managers may enter into such contract with the state and federal government as may be necessary to establish or continue a retirement program for the benefit of its employees."

Amend SB 965, First House Printing as follows:

(1) Strike the word "property" on line 31, page 1; lines 15 and 17, page 5; line 22, page 6.

(2) Insert the words "within the district" between the words "property" and "for" on line 36, page 1.



The amendments were severally adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Mr. Hubenak offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend SB 965 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act authorizing the creation of a hospital district under the provisions of Article IX, Section 9, of the Texas Constitution, located in Polk County, Texas, providing the boundaries of the district; providing said district shall assume responsibility for medical and hospital care for the needy residing within the district; providing that such district shall not be created until authorized by a majority vote of the qualified taxpaying electors in said district at an election called by the commissioners' court on its own motion or upon petition; prescribing the form of the ballot for said election; authorizing the levy of a tax by said district not exceeding 75 cents on the \$100 valuation of taxable property within the district for the purpose of maintaining and operating a hospital or hospitals and making additions and improvements thereto; providing for the methods of assessing and collecting of taxes; authorizing the issuance of bonds by the district and prescribing the procedure therefor; authorizing the issuance of refunding bonds by the district; authorizing the conveyance of all hospital properties by Polk County to the hospital district which are located in said district; providing for the appointment of a board of hospital managers for said district and prescribing its powers and duties; authorizing the establishment of a retirement system for employees of the district; granting the power of eminent domain to the district; providing for the selection of a depository for funds of the district; prescribing duties of officers of the district and other officers of the county and state with respect to the district; prohibiting the levy of any tax by Polk County, or any city therein, for hospital purposes after the creation of the district except taxes to pay for hospital bonds already voted and not now issued by said county which are not assumed by said district and providing that if a hospital district is created in the south portion of Polk County which assumes the payment of said bonds, a tax to be levied in this district to pay the pro rata share of said bonds; making bonds of the district eligible for investment of certain funds and as security for certain deposits; making a finding that local notice has been properly given; providing a savings clause; and declaring an emergency.

The committee amendment was adopted without objection.

SB 965, as amended, was passed to third reading.

HB 1760—LAID ON THE TABLE SUBJECT TO CALL

Mr. John Hannah moved that HB 1760 be laid on the table subject to call.

The motion prevailed without objection.

Representative Sherman entered the House and was announced present.

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#### HB 1766 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1766, Relating to the size and bag limits of certain fish taken from Caddo Lake in Marion County.

The bill was read second time.

Mr. Schulle offered the following committee amendment to the bill:

##### Committee Amendment No. 1

Sec. 1. of HB 1766 is amended by striking all in Sec. 1 and substituting the following in lieu thereof:

"Sec. 1. Sec. 2, Chapter 439, Acts of the 54th Legislature, Regular Session, 1955, as amended, is repealed."

Mr. Slider offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1766 by adding to Sec. 1, Sec. 1a as follows:

"Sec. 1a There is no daily limit or possession limit on crappie in Marion County."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

HB 1766, as amended, was passed to engrossment.

#### HB 1845 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1845, Creating the Emerald Forest Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

##### Committee Amendment No. 1

Amend HB 1845 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Emerald Forest Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purpose for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Being a tract or parcel of land containing 250.3282 acres, being of W. H. York Survey, Abstract No. 943, Elija Harbour Survey, Abstract No. 366 and G. W. Childress Survey, Abstract No. 217 in Harris County, Texas; and being part of and out of a tract or parcel of land containing 75.61 acres, more or less, described in a Deed from William C. Marcus, Jr. et ux to John P. Stanford Jr., et al, recorded in Volume 5662, Page 329 of the Deed Records of Harris County, Texas, and also being part of and out of the previously conveyed tract of land containing 79.02 acres, more or less described as the Second Tract, in a Deed from Clark Henry to William Charles Marcus Sr., et ux, recorded in Volume 1768, Page 307 of the Deed Records of Harris County, Texas, and also being a part of and out of the Edwin E. Schroeder et ux, Sylvia Schroeder, 103.1104 acre tract recorded in Volume 3513, Page 75 of the Deed Records of Harris County, Texas, and part of and out of a 101.023 acre tract, being a part of Tracts described as First and Second Tracts recorded in Volume 1768, Page 307 of the Deed Records of Harris County, Texas, and being more particularly described in metes and bounds as follows:

Commencing at a point on the South line of the W. H. York Survey, Abstract No. 943, said point being on the West line of FM 1960, also known as Jack Rabbit Road;

Thence along the West right-of-way line of said road North 55° 31' 19" East a distance of 372.20 feet to a point, said point being the beginning of a curve to the left, having a radius of 2815.00 feet;

Thence along said curve to the left, having a radius of 2815.00 feet, a distance of 20.00 feet to a point for the Point of Beginning of this herein described tract;

Thence North 89° 14' 20" West a distance of 919.66 feet to a point;

Thence South 53° 47' 46" West a distance of 3°6.86 feet to a point, said point being on the South line of said York Survey;

Thence along the South line of said York Survey, South 89° 56' 41" West a distance of 1899.33 feet to an iron rod, said iron rod being located in a fence corner and in the South line of said 75.61 and 79.02 acre tracts and being North 89° 56' 41" East a distance of 413.11 feet from the Southwest corner of said 75.61 and 79.02 acre tracts;

Thence North a distance of 1044.62 feet to an iron rod with brass cap in a fence corner and in the North line of said 75.61 and 79.02 acre tract;

Thence North 89° 24' 01" West a distance of 2440.22 feet to a point on the East right-of-way line of Jones Road;

Thence along the East right-of-way line of Jones Road, North 00° 39' 50" West a distance of 710.57 feet to a point;

Thence North 89° 37' 38" East a distance of 486.51 feet to a point;

Thence North 4° 47' 10" East a distance of 60.89 feet to a point;

Thence North 89° 11' 11" East a distance of 780.95 feet to a point;

Thence South 5° 24' 34" East a distance of 196.41 feet to a point;

Thence North 80° 58' 14" East a distance of 834.52 feet to a point;

Thence North 01° 39' 08" East a distance of 79.33 feet to a point;

Thence North 89° 31' 42" East a distance of 450.00 feet to a point;

Thence North 00° 28' 18" West a distance of 1063.62 feet to a point, said point being on the South right-of-way line of Louedd Road;

Thence along the South right-of-way line of Louedd Road, North 89° 11' 35" East a distance of 101.32 feet to a point, said point being on a curve to the right having a radius of 1055.32 feet and a central angle of 19° 08' 26";

Thence in an Easterly direction along the South right-of-way line of Louedd Road and along a curve to the right having a radius of 1055.32 feet and a central angle of 19° 08' 26" a distance of 352.54 feet to a point at the end of said curve;

Thence continuing along the South right-of-way line of Louedd Road South 71° 40' 00" East a distance of 534.91 feet to a point, said point being on a curve to the left having a radius of 1030.00 feet and a central angle of 20° 00' 01";

Thence continuing along the South right-of-way line of Louedd Road in an Easterly direction along a curve to the left having a radius of 1030.00 feet and a central angle of 20° 00' 01" a distance of 359.54 feet to a point at the end of said curve;

Thence continuing along the South right-of-way line of Louedd Road, North 88° 20' 00" East a distance of 100.00 feet to a point;

Thence South 00° 24' 14" East a distance of 782.80 feet to a point;

Thence North 87° 02' 52" East a distance of 628.53 feet to a point;

Thence North 88° 44' 43" East a distance of 1991.18 feet to a point; said point being on the West right-of-way line of Perry Road;

Thence along the West right-of-way line of Perry Road, South 00° 25' 16" West a distance of 642.84 feet to a point;

Thence South 12° 44' 26" East a distance of 241.96 feet to a point, said point being on the East right-of-way line of FM 1960, also known as Jack Rabbit Road;

Thence South 00° 15' 57" West a distance of 2217.49 feet to a point;

Thence South 89° 55' 34" East a distance of 1374.69 feet to a point;

Thence South 00° 54' 26" West a distance of 583.48 feet to a point;

Thence North 89° 56' 04" West a distance of 2006.10 feet to a point;

Thence North 00° 53' 46" East a distance of 2173.94 feet to a point, said point being on the East right-of-way line of FM 1960, also known as Jack Rabbit Road, and being on a curve to the right having a radius of 2915.00 feet and a central angle of 9° 41' 49".

Thence in a Southwesterly direction along the East right-of-way line of FM 1960, also known as Jack Rabbit Road, and along a curve to the right having a radius of 2915.00 feet and a central angle of 9° 41' 49", South 50° 22' 49" along the long chord, a distance of 492.75 feet, or along the arc of said curve a distance of 493.34 feet to a point;

Thence crossing FM 1960, also known as Jack Rabbit Road, North 34° 46' 17" West a distance of 100.00 feet to the Point of Beginning and containing 289.0177 acres of land, more or less save and excepting there from that certain 38.6895 acre tract being more particularly described as follows, to-wit:

Being a 38.6895 acre tract out of the said 75.61 acres, more or less, recorded in Volume 5662, Page 329 of the Deed Records of Harris County, Texas and being more particularly described as follows:

Beginning at a point on the Northwesterly right-of-way line of State Highway FM 1960. Said beginning point bearing South 44° 31' 19" West along said right-of-way line a distance of 123.04 feet from a 5/8 inch iron rod marking the most Easterly corner of said 75.61 acre tract;

Thence North 45° 57' 21" West along the existing Northeasterly right-of-way line of Woodedge Drive Extension, based on 60 feet in width, a distance of 150.59 feet to a point for the beginning of a curve to the left;

Thence in a Northwesterly direction along said curve to the left having a central angle of 44° 21' 33", with a radius of 496.06 feet and a distance of 384.05 feet to the end of the said curve;

Thence South 89° 41' 06" West along the existing North right-of-way line of said Woodedge Drive Extension a distance of 100.00 feet to a point for the beginning of a curve to the left;

Thence in a Southwesterly direction along said curve to the left having a central angle of 25° 42' 12", with a radius of 1,597.23 feet and a distance of 716.53 feet to the end of said curve;

Thence South 63° 58' 54" West along the existing Northwesterly right-of-way line of aforesaid Woodedge Drive Extension a distance of 581.60 feet to a point for the beginning of a curve to the right;

Thence in a Southwesterly direction along said curve to the right having a central angle of 37° 10' 53", with a radius of 936.24 feet and a distance of 607.53 feet to the end of said curve;

Thence North 11° 09' 47" East along the Northwesterly right-of-way line of said Woodedge Drive Extension a distance of 10.00 feet to a point for a corner;

Thence North 78° 50' 13" West along the existing Northeasterly right-of-way line of Woodedge Drive Extension, based on 70 feet in width, a distance of 312.92 feet to a point for the beginning of a curve to the left;

Thence in a Westerly direction along said curve to the left having a central angle of 11° 56' 46", with a radius of 4,388.96 feet, a distance of 915.10 feet to a point for a corner;

Thence North a distance of 542.07 feet to a point;

Thence South 89° 27' 44" East a distance of 3595.47 feet to a point;

Thence South 00° 45' 40" West a distance of 35.33 feet to a point;

Thence South 57° 21' 00" East a distance of 256.25 feet to a point, said point being on the West right-of-way line of FM 1960;

Thence South 44° 35' 31" West, along the West right-of-way line of FM 1960, a distance of 209.49 feet to a point;

Thence South 44° 31' 19" West a distance of 123.04 feet to the Point of Beginning and containing 38.6895 acres of land, more or less.

The area in the Emerald Forest Utility District being 289.0177 acres, less 38.6895 acres excepted or 250.3282 acres of land, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, in-

cluding without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Lee Schlanger  
Marlene Wolf  
Harry Licata  
Bernard Lakin  
Mrs. Dan Gordon

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code, for directors first elected.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion, or provision.

Section 9. The fact that the District's works, projects and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1845 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Emerald Forest Utility District of Harris County, Texas; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1845, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1845.

Representatives Carrillo and Wayne entered the House and were announced present.

#### HB 1745—VOTE RECONSIDERED

Mr. Jim Nugent moved to reconsider the vote by which HB 1745 was passed to engrossment.

The motion prevailed without objection.

Mr. Jim Nugent offered the following amendment to HB 1745:

- 1.) On line 9 of page one, after the word duties, add the word dissolution.
- 2.) Add the following paragraph to be appropriately numbered:

Dissolution. (a) On receiving the petition of 50 people who are electors of the hospital district, or by its own order, recorded in the minutes, the commissioners court of the county in which this hospital district is located shall order an election to be held to approve the dissolution of the hospital district. The election must be held during the period beginning on the 20th day and ending with the 30th day after the date of the order.

(b) The order calling the election must contain the time and place, or places, of holding the election, the form of the ballots, and the presiding judge for each voting place.



(c) The commissioners court shall publish a substantial copy of the election order in a newspaper of general circulation in the district once a week for two consecutive weeks before the date of the election. The first notice must be published before the 14-day period immediately preceding the day of the election.

(d) The presiding judge of each voting place shall supervise the counting of all votes cast and shall certify the results to the commissioners court within 10 days after the election. A copy of the results are to be filed with the county clerk and become of public record.

(e) At the election, the electors shall vote whether or not the hospital district is to be dissolved. A majority of the electors must approve the dissolution of the district.

(f) The ballot for the dissolution of the district shall be printed to provide for voting for or against the proposition:

"The Dissolution of Kimble County Hospital District of Kimble County, Texas."

(g) If a majority of the persons voting in the election vote for the dissolution of the district, the commissioners court shall, within 10 days after the results are filed, declare the results and order the district dissolved. A copy of this order shall be placed in the minutes of the court; and a copy shall be sent to the board of the dissolved district.

(h) If a majority of the persons voting at the election vote against the dissolution of the district, this does not prevent the holding of other elections for the same purpose after the passage of one year.

(i) Within 30 days after the results are filed, the commissioners court shall employ an independent audit of the assets and liabilities of the dissolved district.

(j) The commissioners court shall publish a copy of the audit in a newspaper of general circulation within the district within 10 days after the completion of the audit.

(k) Within 30 days after completion of the audit, the commissioners court shall, by declaration, formally transfer the assets of the dissolved district to Kimble County, and shall, by declaration, formally declare the county liable for all debts and liabilities incurred by the dissolved district. Such declarations shall be published in a newspaper of general circulation within 10 days after such declarations are made.

(l) The assets transferred to the county shall be used in such a way as to benefit the citizens formally within the district.

The amendment was adopted without objection.

HB 1745, as amended, was passed to engrossment.

#### HB 1721 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1721, Empowering Aransas County Conservation and Reclamation District to operate sanitary sewer system.

The bill was read second time and was passed to engrossment.

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Representative Ligarde entered the House and was announced present.

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#### HB 1161 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1161, Regulating the sale of fish in Gonzales County.

The bill was read second time and was passed to engrossment.

#### HB 1787 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1787, Authorizing creation of the Henderson County Hospital District.

The bill was read second time.

Mr. Hubenak offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1787 by striking out the word "property" on line 43 and line 47 on page one, and on line 7 and line 14 on page two.

The committee amendment was adopted without objection.

HB 1787, as amended, was passed to engrossment.

#### HB 1855 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1855, Creating the Groveton Hospital District of Trinity County.

The bill was read second time.

Mr. Lovell offered the following amendments to the bill:

Amend HB 1855 by deleting Section 12(g) and substituting therefor the following:

"(g) The board may enter any contract with a municipality or other

political subdivision to provide hospital care for needy persons who reside outside the district."

Amend HB 1855 by adding the following subsection (h) to Section 12, to read as follows:

"(h) The Board of Directors shall have the authority to appoint to the staff such doctors as it may be deemed necessary for the efficient operation of the district, and may provide for temporary appointments to the staff if warranted by circumstances."

The amendments were severally adopted without objection.

HB 1855, as amended, was passed to engrossment.

#### HB 1839 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1839, Permitting Trinity County to hold an election to determine if livestock may run at large.

The bill was read second time and was passed to engrossment.

#### HB 1809 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1809, Creating the Rolling Fork Public Utility District in Harris County.

The bill was read second time.

Mr. Solomon offered the following committee amendments to the bill:

##### Committee Amendment No. 1

Amend HB 1809 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article 16, Section 59, of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as Rolling Fork Public Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, of the Constitution of Texas.

Section 2. It is determined and found that the boundaries and field notes of the District form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field

notes, it shall in no way affect the organization, existence and validity of the District, or the right of the District to issue any type of bonds or refunding bonds for the purposes for which the District is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Section 3. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and project which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, of the Constitution of Texas, and that said District is created to serve a public use and benefit.

Section 4. The District shall comprise all of the territory contained within the following described area:

Lying wholly in Harris County, Texas, being 104.857 acres, more or less, out of the George Ayers Survey, A-107, and being more particularly described by metes and bounds as follows:

Commencing for reference at the southwest corner of the Satsuma Orange Farm Subdivision, a map of which subdivision is recorded in Volume 2, Page 50, Harris County Map Records; said point lying in the east right-of-way line of Winfern Road (60 feet wide).

Thence, N 0° 18' E, 1714.00 feet along the east right-of-way line of Winfern Road to the point of beginning.

Thence, continuing N 0° 18' E, 1732.00 feet along the east right-of-way line of Winfern Road to a point.

Thence, N 89° 50' W, 129.15 feet to a point for a corner.

Thence, N 28° 33' W, 102.10 feet to a point of curve to the right whose radius is 840 feet.

Thence, following the curve to the right whose radius is 840 feet, 418.32 feet to a point of tangency.

Thence, N 0° 01' W, 46.41 feet to a point for a corner.

Thence, S 89° 56' E, 1448.80 feet to a point for a corner.

Thence, S 0° 09' E, 122.75 feet to a point for a corner.

Thence, S 89° 37' E, 2773.11 feet to a point for a corner, said point lying in the west right-of-way line of Fairbanks-North Houston Road (80 feet wide).

Thence, S 0° 03' E, 416.65 feet along the west right-of-way line of Fairbanks-North Houston Road to a point for a corner.

Thence, N 89° 37' W, 2257.54 feet to a point for a corner.

Thence, S 0° 11' W, 1159.0 feet to a point for a corner.

Thence, N 89° 37' W, 613.68 feet to a point in the center line of Rolling Fork Creek.

Thence, along the center line of Rolling Fork Creek, as follows:

S 31° 31' E, 370.81 feet  
S 18° 19' E, 128.24 feet  
S 5° 26' W, 135.50 feet to a point for a corner.

Thence, N 89° 53' W, 1297.94 feet to the point of beginning.

Containing 104.857 acres, more or less.

Section 5. The District is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Section 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the District and shall constitute the board of directors of the District:

Ivan R. Reid  
Jack W. Reid  
Roy Bray  
Paul Holiday  
Dudley Bell

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Section 7. The Legislature specifically finds and declares that the requirements of Article 16, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Section 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares

that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Section 9. The fact that the District's works, projects, and conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended; and said Rule is hereby suspended and this Act shall take effect from and after its passage; and it is so enacted.

**Committee Amendment No. 2**

Amend HB 1809 by striking all above the enacting clause and substituting in lieu thereof the following:

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Rolling Fork Public Utility District; declaring District a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the District; defining the boundaries; conferring on District the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the District; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article 16, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1809, as amended, was passed to engrossment.

**VOTES RECORDED**

Representatives Braun, Kubiak, and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1809.

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Representatives Allred and Coats entered the House and were announced present.

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**HB 1848 ON SECOND READING**

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1848, Creating Concho County Hospital District.

The bill was read second time.

Mr. Hubenak offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1848, First House Printing, by striking the word "property" in line 47, page 1, line 17, page 2, line 51, page 2.

Committee Amendment No. 2

Amend HB 1848, First House Printing, by striking the words "who own taxable property therein and who have duly rendered the same for taxation" on lines 2-4, page 6.

The committee amendments were severally adopted without objection.

Mr. Doran offered the following amendment to the bill:

Amend HB 1848 by deleting the last sentence of Section 6 substituting therefor the following:

"Such board shall be authorized to contract with any other political subdivision or governmental agency whereby the district will provide investigatory and other services as to the hospital or welfare needs of the inhabitants of the district and shall be authorized to contract with any county or incorporated municipality located outside its boundaries for the hospitalization of the sick, diseased, or injured persons of any such county or municipality, and shall have the authority to contract with the State of Texas or agencies of the federal government for the hospitalization of sick, diseased, or injured persons."

The amendment was adopted without objection.

HB 1848, as amended, was passed to engrossment.

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Representatives Braun and Stroud entered the House and were announced present.

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SB 531 ON SECOND READING  
(Mr. Cavness—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 531, Providing for percentage increases in retirement annuities with a minimum annuity for service and disability retirements, etc., in State Employee Retirement System.

The bill was read second time.

Mr. Cavness offered the following amendments to the bill:

Amend SB 531 by striking all below the enacting clause and substituting therefor the following:

Section 1. Section 1, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) is amended by adding Subsection "I" so as to read as follows:

I. "Occupational" death or "Occupational" disability shall mean death or disability from an injury or disease resulting directly from a specific act or occurrence determinable by a definite time and a definite place and as arising out of and in the course of state employment as the direct result of an inherent risk or hazard peculiar to the duties required in such state employment.

Section 2. Subsection C, Section 3, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) is amended to read as follows:

C. Any person who becomes an appointive officer or employee on or after the effective date of this Act shall become a member of the Retirement System on the first day of the month in which he is employed as a condition of his employment. Contributions by such member under this Act shall begin with the first monthly payroll period following the month in which he is employed and creditable service shall then begin to accrue. Any person elected or appointed to an elective office shall become a member of the Retirement System in the same month in which he takes the oath of office as a requirement for filling such elective position, if he elects to become a member of the Retirement System.

Upon verification by the Employees Retirement System, any contributing member of this System may claim and receive credit as an elective or appointive officer or employee for service not previously creditable because of a waiting period required prior to September 1, 1958. Applicable contributions and state matching shall be required for any such service.

Members who fail to establish credit for such service within 12 months after the effective date of this Act or thereafter within 12 months after first becoming eligible to claim such service, shall be deemed to have waived such service. Payment thereafter shall be subject to the applicable penalty interest provision of this Act.

Section 3. Subsection A, Section 4, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) is amended to read as follows:

Sec. 4. A. Creditable service shall be the total of prior service plus membership service. For appointive officers and employees of the state, prior service shall be granted for eligible service rendered prior to the establishment of the Retirement System on September 1, 1947, and membership service shall be granted for eligible service rendered on and after September 1, 1947. Service as an elected state official as defined in this Act may be claimed as creditable service as an appointed officer or employee.

Each appointive officer or employee, as defined in Section 3 of this Act, who becomes a member and contributes as such for a period of twenty-four



(24) months, shall file a detailed statement of all Texas service for which he claims credit.

Section 4. Subsection F, Section 4, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) is amended to read as follows:

F. Each appointed officer or employee, as defined in this Act, who has heretofore withdrawn his contributions and cancelled his accumulated creditable service for retirement purposes, may, if he returns to state employment and continues as such for a period of twenty-four (24) months, or if an elective state official, upon taking the oath of office, be entitled to deposit in the Retirement System in a lump sum payment the amount withdrawn with a penalty interest of five percent (5%) per annum from the date of withdrawal to the date of redeposit, plus any membership fees due, and have his creditable service reinstated for retirement purposes; however, it is provided that the amount withdrawn by the person and deposited with the System shall be placed in his individual account in the Employees Saving Fund and the five percent (5%) per annum penalty interest shall be placed in the State Accumulation Fund. The amounts to be deposited shall be determined in each case by the Employees Retirement System and in no event shall any such person be granted retirement upon such former service credits until the amount so determined shall have been paid in full.

Each appointed officer or employee as defined in this Act, and who heretofore executed a waiver of membership in the Retirement System may, if he has been employed from the date he executed the waiver of membership, or in the event such person left employment and returns to state employment and continues as such for a period of twenty-four (24) months, or if an elective state official, upon taking the oath of office, shall have the privilege of electing to receive credit for all previous creditable state service provided such person shall deposit with the Employees Retirement System in a lump sum all back deposits, assessments and dues which he would have paid or deposited had he been a member of the System during each of the years and months employed commencing with the state fiscal year September 1, 1947, if an appointive officer or employee, and January 1, 1963, if an elective state official, together with penalty interest on the date each amount was payable at the rate of five percent (5%) per annum, and provided further that the back deposits required shall be placed in his individual account in the Employees Saving Fund, and the penalty interest of five percent (5%) per annum shall be placed in the State Accumulation Fund. The amounts to be deposited shall be determined in each case by the Employees Retirement System and in no event shall any such person be granted retirement upon such former service credits until the amounts so determined shall have been paid in full, and provided further that the total of all such back deposits shall be matched by an equal sum by the State of Texas in the manner and from the funds as now provided in the State Employees Retirement Act.

Section 5. Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) is amended to add Section 5-1 to read as follows:

Section 5-1. Notwithstanding any other provisions of this Act, annuities computed in accordance with Section 5 of the State Employees Retirement

Act with respect to appointive officers and employees, shall, on and after September 1, 1971, be increased as follows:

All such annuities payable to appointive officers and employees retiring after September 1, 1969, shall be increased by four percent (4%). All such annuities payable to appointive officers and employees who retired prior to September 1, 1969, shall be increased by the following percentage rates:

Effective Date of Retirement	Rate of Increase
September, 1968, through August, 1969.....	6%
September, 1967, through August, 1968 .....	8%
September, 1966, through August, 1967.....	10%
September, 1965, through August, 1966.....	12%
September, 1964, through August, 1965.....	14%
September, 1963, through August, 1964.....	16%
September, 1962, through August, 1963.....	18%
Prior to September, 1962.....	20%

It is provided, however, that if the maximum service retirement annuity calculated under the provisions of Section 5 of the State Employees Retirement Act is less than \$60.00 per month, it shall be adjusted to whichever is the greater of (a) \$60.00 per month, or (b) the amount derived by the percentage increase adjustment herein provided.

It is further provided that if the disability retirement annuity calculated under the provisions of Section 5 of the State Employees Retirement Act is less than \$90.00 per month, it shall be adjusted to whichever is the greater of (a) \$90.00 per month, or (b) the amount derived by the percentage increase adjustment herein provided.

Any death benefit plan selected by a member with 20 or more years of creditable service shall remain in effect during such time as such member may be receiving disability retirement benefits; and upon his death while receiving such benefits, his designated beneficiary shall receive monthly annuities in accordance with the plan selected.

Section 6. Subsection D, Section 5, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) is amended to read as follows:

#### D. Service Retirement Benefits for Elective State Officials.

1. Any member may retire upon written application to the State Board of Trustees, setting forth at what time, not less than thirty (30) days nor more than ninety (90) days subsequent to the execution of and filing thereof, he desires to be retired, provided that retirement will be effective only as of the last day of the calendar month, and provided that the said member at the time so specified for his retirement shall have attained the age of sixty (60) years and shall have completed eight (8) or more years of creditable service, provided however any member who has completed at least twelve (12) years of creditable service shall be entitled to a service retirement provided such member has attained the age of fifty-five (55).

The Maximum Service Retirement allowance shall be computed at the rate of six (6) percent per year of the monthly salary paid to duly elected.

Members of the Legislature of the State of Texas on date of retirement and as such monthly salary may be adjusted from time to time thereafter. The Maximum Service Retirement allowance so computed shall not exceed sixty (60) percent of such salary or nine hundred dollars (\$900) whichever is the greater of the two.

It is expressly provided that any annuity or allowance payable under the provisions of this Act shall begin with the last day of the month following the effective date of retirement and shall be paid in monthly installments and shall cease with the last day of the month preceding the month in which the beneficiary or person dies who is receiving such an annuity or allowance as provided in this Act.

It is further provided that the Rate of Benefits scheduled as provided for by this Act shall be applied to all service retirement annuities payable on the effective date of this Act and previously awarded under the laws governing the Employees Retirement System as effective September 1, 1963, or as amended thereafter.

2. Any member who has accumulated a minimum of eight (8) years of creditable service as provided herein and who does not withdraw his account from the Retirement System prior to the attainment of age sixty (60) shall remain an active member and shall be entitled to a service retirement allowance upon attaining age sixty (60).

It is further provided that upon the death of any member, with not less than eight (8) years of creditable service under the provisions of this Act, one-half ( $\frac{1}{2}$ ) of the total service retirement allowance provided herein to which such member is entitled or would have been entitled at age sixty (60), or at the time of his death, whichever is later, shall be paid to the surviving spouse at the time of the death of such member, provided, however, that this provision shall not be applicable in the event the member was eligible to select or had selected a Death Benefit Plan for a monthly annuity to be effective in the event of death prior to retirement as provided herein. Occupational Death Benefit provisions of this Act shall also be applicable to Elective State Officials.

Prior to retirement any contributing member with ten (10) or more years creditable service, and any noncontributing member with twelve (12) or more years creditable service, may select a Death Benefit Plan and designate a nominee to receive a reduced monthly annuity either for life, or for a ten (10) year guaranteed period, to become effective and payable, in lieu of the refund of the member's contributions, to such nominee beginning the month following the death of such member. If the qualified member dies without having made such Death Benefit Plan selection, the surviving spouse may choose the plan in the same manner as if the member had completed the selection and, further provided, that only the surviving spouse may make such a selection and if there is no surviving spouse, then the selection may be made only by the guardian of the dependent minor children and if there be no dependent minor children then the provisions of paragraph 2, Subsection E of Section 5, pertaining to death benefits shall apply upon death of the member. Application for such plan shall be on forms prescribed by the State Board of Trustees. The reduced benefits shall be computed in the same manner as for a member's service retirement as provided elsewhere in this Act. The ages of the member and the nominee at the date of the member's death shall be used in determining the reduced

annuity. The plan selected shall remain in effect until amended or superseded by the member's retirement selection.

3. It is provided herein that for service retirement Elective State Officials shall be eligible to select any of the optional allowance plans as provided for appointive officers and employee members, as set forth in Section 5, Subsection B, Paragraph 3, of this Act.

4. Disability Retirement Benefits for Elective State Officials.

Upon the application of a member or his employer or his legal representative acting in his behalf, any member under age sixty (60), who has eight (8) or more years of creditable service, or if Occupational Disability regardless of age or length of service, may be retired by the State Board of Trustees, not less than thirty (30) and not more than ninety (90) days next following the date of filing such application, provided the Medical Board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

The benefit to be paid by the Retirement System shall be the same as that set forth for service retirement without reduction for reason of age, provided, however, that no optional plan may be selected, and further provided that should the disabled retired member die before the full amount of contributions standing to his credit shall have been paid, then the remainder of his account shall be paid to the beneficiary of such disabled retired member. It is provided herein that additional provisions after disability retirement applicable for appointive officers and employee members as set forth in Section 5, Subsection C, Paragraphs 4, 5, and 6, will be applicable also to disability retirement for Elective State Officials. Occupational Disability Benefit shall be based on the member's actual creditable service or eight (8) years, whichever is greater.

Section 7. Paragraph 5 of Subsection E of Section 5, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) is amended to read as follows:

5. It is provided that any member who has completed twenty (20) years of creditable state service in Texas, may by written designation in such form as the Board of Trustees may prescribe, select a nominee and an optional allowance for retirement as set forth under the preceding Section 5, Subsection B, Paragraph 3, providing for optional allowances for service retirement, and which selection shall become effective and payable to such nominee beginning with the month following the month in which the member died, provided, however, if such a member having completed twenty (20) years of state service in Texas failed to make a selection in the event of his death then a surviving spouse may choose the option plan in the same manner as if the member had completed the selection and, further provided, that only the surviving spouse may make such a selection and if there is no surviving spouse, then the selection may be made only by the guardian of the dependent minor children and if there be no dependent minor children, then the provisions of the preceding Subsection E, Paragraph 2, pertaining to death benefits shall apply upon death of the member.

Section 8. Paragraph 6 of Subsection E of Section 5, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a,

Vernon's Civil Statutes of Texas) is repealed, it being specifically understood that the repeal of this section shall not in any way affect benefits heretofore established and to be paid after the effective date of this Act.

Section 9. Subsection A of Section 8 through Paragraph (a) of Subdivision 1, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended, (Article 6228a, Vernon's Civil Statutes of Texas) is amended to read as follows:

#### METHOD OF FINANCING

Sec. 8. A. Effective September 1, 1971, the amount contributed by each member to the Retirement System shall be six percent (6%) of the annual compensation paid to each member. The amount contributed by the State of Texas to the Retirement System shall not exceed during any one (1) year six percent (6%) of compensation of all members provided the total amount contributed by the state during any one (1) year shall at least equal the total amount contributed during the same year by all members of the Retirement System; provided further that all contributions made by the state shall be from and charged to the respective funds appropriated, allocated, and provided to pay the salary or compensation of the member for whose benefit the contribution is made. All of the assets of the Retirement System shall be credited according to the purpose for which they are held to one (1) of five (5) funds, namely, the Employees Saving Fund, the State Accumulation Fund, the Retirement Annuity Reserve Fund, the Interest Fund, and the Expense Fund.

##### 1. The Employees Saving Fund.

The Employees Saving Fund shall be a fund in which shall be accumulated six percent (6%) contributions from the compensation of members, including interest earnings. Contributions to and payments from the Employees Saving Fund shall be made as follows:

(a) Beginning on the effective date of this Act, each department of the state shall cause to be deducted from the salary of each member on each and every payroll period, six percent (6%) of his earnable compensation. In determining the amount earnable by a member in a payroll period, the State Board of Trustees may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than one-half ( $\frac{1}{2}$ ) of a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions, it may modify the deductions required of any member by such an amount as shall not exceed one-tenth ( $\frac{1}{10}$ ) of one percent (1%) of the annual compensation upon the basis of which such deduction is to be made.

Section 10, Subdivision 2, of Subsection B, Section 8, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended, (Article 6228a, Vernon's Civil Statutes of Texas) is amended to read as follows:

##### 2. The collection of the state's contributions shall be made as follows:

(a) From and after the effective date of this Act, there is hereby allocated and appropriated to the Employees Retirement System of Texas, in accordance with this Act, from the several funds from which the members

benefited by this Act, receive their respective salaries, a sum equal to six percent (6%) of the total compensation paid to the said respective members of said Retirement System and whose compensation is paid from funds directly controlled by the state.

(b) Thereafter, on or before the first day of November next preceding each Regular Session of the Legislature, the State Board of Trustees shall certify to the Legislative Budget Board and Budget Division of the Governor's Office for review the amount necessary to pay the contributions of the State of Texas to the Employees Retirement System for the ensuing biennium. This amount shall equal six percent (6%) of the total compensation paid members of the Retirement System and shall be included in the budget of the state which the Governor submits to the Legislature. The State Board of Trustees shall certify on or before August 31st of each year to the State Comptroller of Public Accounts and the State Treasurer the estimated amount of contributions to be received from members during the ensuing year.

(c) All moneys hereby allocated and appropriated by the state to the Employees Retirement System shall be paid to the Employees Retirement System in equal monthly installments based upon the annual estimate by the State Board of Trustees of the Employees Retirement System of the contributions to be received from the members of said System during said year, provided further in the event said estimate of the contributions of the members of the System shall vary from the actual amount of the members' contributions during the year, then such adjustment shall be made at the close of each fiscal year as may be required. Each of said monthly installments shall be paid into the State Accumulation Fund in the amount certified by the State Board of Trustees.

Section 11. Section 9, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) is amended by adding Subsection B, to read as follows:

B. The Board of Trustees shall adopt Rules and Regulations, to be effective no later than January 1, 1972, providing for the payment of not less than one-half ( $\frac{1}{2}$ ) the premium cost of Group Life and Health Coverage for all member retirees. Premium costs shall be paid from the funds of the agency or department from which the member retired, and shall be based on rates not to exceed rates charged members of the Group Insurance Plan of department or agency from which the member retired. The State of Texas shall pay each year in equal monthly installments into the State Accumulation Fund an amount required to pay insurance premiums of the retirees. The State Board of Trustees shall certify annually to the Comptroller of Public Accounts and to the State Treasurer the amount so ascertained.

Section 12. If any section, subsection or clause of this Act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of any of the remaining portions of this Act, and it is hereby declared that this Act would nevertheless have been passed without such section, subsection or clause so declared unconstitutional.

Section 13. This Act shall become effective September 1, 1971.

Section 14. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative

public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended, and that this Act take effect and be in force from and after its passage and be it so enacted.

Amend SB 531 by striking all above the enacting clause and substituting therefor the following:

A bill to be entitled An Act amending Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6228a, Vernon's Civil Statutes of Texas) by adding Subsection "I" to Section 1, defining the term "Occupational" death or disability; amending Subsection C, Section 3 providing for the establishment of service covered by required waiting periods; amending Subsections A and F, Section 4 to provide conditions for the establishment of previous service after 24 months contributory service; adding Section 5-1 to provide for percentage increases in retirement annuities with a minimum annuity for service and disability retirements; authorizing continuance of death benefit plan for eligible disability annuitants; amending Subsection D of Section 5 to provide for member retirement and death benefits; amending Paragraph 5 of Subsection E of Section 5 to permit twenty (20) year Death Benefit Plan to remain effective after leaving state employment; repealing Paragraph 6 of Subsection E, Section 5; amending Subsection A of Section 8 through paragraph (a) of Subdivision 1, to require six (6) percent contributions from the member and from the state; amending Subdivision 2, of Subsection B, Section 8 to change references to matching funds from "five (5) percent" to "six (6) percent;" adding Subsection B to Section 9 to provide for Board Rules and Regulations governing payment of Group Life and Health Benefits to retiree members; providing a savings clause; providing for an effective date; and declaring an emergency.

The amendments were severally adopted without objection.

SB 531, as amended, was passed to third reading.

#### VOTES RECORDED

Representatives Jim Nugent, Adams, Calkoun, Pickens, and Nabers requested to be recorded as voting Nay on the passage to third reading of SB 531.

Representatives Zan Holmes and Niland entered the House and were announced present.

#### SB 365 ON SECOND READING (Mr. Cavness—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 365, Relating to the State Board of Dental Examiners and the practice of dentistry and dental hygiene in this state.

The bill was read second time and was passed to third reading.

**BILL SIGNED BY THE SPEAKER**

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bill:

HB 130, Establishing an educational center of Lamar University in Jefferson and Orange Counties.

**CONSIDERATION OF LOCAL AND CONSENT  
CALENDAR OF BILLS—(continued)**

**SB 618 ON SECOND READING  
(Mr. Price—House Sponsor)**

The Speaker laid before the House on its second reading and passage to third reading,

SB 618, Authorizing the Parks and Wildlife Department to execute deeds to exchange property for use as a state park, historic site, etc.

The bill was read second time and was passed to third reading.

**SB 912 ON SECOND READING  
(Mr. Jungmichel—House Sponsor)**

The Speaker laid before the House on its second reading and passage to third reading,

SB 912, Authorizing the stockholders and employees of state banks, etc., to take acknowledgements of instruments in which such banks are interested.

The bill was read second time and was passed to third reading.

**VOTES RECORDED**

Representatives Adams and Kubiak requested to be recorded as voting Nay on the passage to third reading of SB 912.

**SB 475 ON SECOND READING  
(Mr. Clayton—House Sponsor)**

The Speaker laid before the House on its second reading and passage to third reading,

SB 475, Prohibiting the governing bodies of political subdivisions of the state from designating financial institutions located outside the state as depositories for funds under their jurisdiction.

The bill was read second time and was passed to third reading.

**SB 812 ON SECOND READING  
(Mr. Dean Neugent and Mr. Harris—House Sponsors)**

The Speaker laid before the House on its second reading and passage to third reading,



SB 812, Relating to the authority of the commissioners courts of certain counties to regulate traffic on county roads and on county-owned land.

The bill was read second time and was passed to third reading.

**SB 524 ON SECOND READING**  
(Mr. Doran—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 524, Relating to public meetings of governmental bodies.

The bill was read second time and was passed to third reading.

**SB 242 ON SECOND READING**  
(Mr. Wieting—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 242, Relating to the organization, etc., of Regional Planning Commissions.

The bill was read second time and was passed to third reading.

**SB 701 ON SECOND READING**  
(Mr. Clayton—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 701, Providing changes in methods for appeal from the Water Well Drillers Board to the Courts of Travis County.

The bill was read second time.

Mr. Tom Moore offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend SB 701 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Hereafter Section 9 of Chapter 264, Acts of the 59th Legislature, Regular Session, 1965, as last amended by Chapter 376, Acts of the 61st Legislature, Regular Session, 1969, (codified as Art. 7621e of Vernon's Texas Civil Statutes) is amended and it shall read as follows:

**"Section 9. Appeal of Board Action.**

(a) A person affected by any ruling, order, decision or other acts of the Board may appeal by filing a petition in the District Court in the county in which the alleged violation occurred.

(b) Petition must be filed within thirty days after the date of the Board's

action, or, in case of a ruling, order, or decision, within 30 days after its effective date.

(c) Service of citation on the Board must be accomplished within 30 days after the date the petition was filed. Citation may be served on the Executive Director of the Water Development Board or on any member of the Water Well Drillers Board.

(d) The plaintiff shall pursue his action with reasonable diligence.

Any ruling of the board may be appealed in the same manner as appeals from the justice court to the county court. All administrative or executive action taken prior to the filing of the suit shall continue in force and effect until the rights of the parties thereto shall be determined by the court upon a trial of the matters in controversy.

Sec. 2. The fact that there is no adequate provision for appeals to the courts from the administrative agency creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

The committee amendment was adopted without objection.

SB 701, as amended, was passed to third reading.

SB 683 ON SECOND READING  
(Mr. Semos—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 683, Redesignating all public junior colleges in Texas as community colleges, and junior college districts as community college districts.

The bill was read second time and was passed to third reading.

SB 772 ON SECOND READING  
(Mr. Walt Parker—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 772, Relating to residence restrictions on appointment of members of the Board of Regents of North Texas State University.

The bill was read second time and was passed to third reading.

SB 700 ON SECOND READING  
(Mr. Clayton—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 700, Changing penalties for violation of Water Well Drillers Act from misdemeanors to civil penalties.

The bill was read second time.

Mr. Tom Moore offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 700 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Section 13 of Chapter 264, Acts of the Fifty-ninth Legislature, Regular Session, 1965, as last amended by Chapter 376, Acts of the Sixty-first Legislature, Regular Session, 1969 (codified as Art. 7621e of Vernon's Texas Civil Statutes) is amended to read as follows:

Sec. 13. Any person who fails to comply with the provisions of this Act, or with any rule or regulation promulgated by the board or the commission under this Act, or with any term, condition or provision in his permit issued pursuant to this Act, shall be subject to a civil penalty in any sum not exceeding One Thousand Dollars (\$1,000.00) for each day of noncompliance and for each act of noncompliance, as the court may deem proper. The action may be brought by the board or the commission, as appropriate, in any court of competent jurisdiction in the county where the offending activity is occurring or where the defendant resides. Full authority is also given the board or commission, as appropriate, to enforce by injunction, mandatory injunction or other appropriate remedy, in courts having jurisdiction in the county where the offending activity is occurring, any and all reasonable rules and regulations promulgated by it which do not conflict with any law, and all of the terms, conditions and provisions of permits issued by the board or commission pursuant to the provisions of this Act. At the request of the board or the commission, the Attorney General shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty, or for both the injunctive relief and civil penalty, authorized in this section. Any party to a suit may appeal from a final judgment as in other civil cases. The obtaining of a permit under the provisions of this Act by a person shall not act to relieve that person from liability under any statutory law or the Common Law.

Sec. 2. The facts that the Texas Water Well Drillers Board needs a civil penalty provision in its law and that there is a need for an enforcement program as to this agency create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

Committee Amendment No. 2

Amend SB 700 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act amending Section 13 of Chapter 264, Acts of the 59th Legislature, Regular Session, 1965, as last amended by Chapter 376, Acts of the 61st Legislature, Regular Session, 1969, (codified as Art. 7621e of Vernon's Texas Civil Statutes); changing the penalties for violation of Article 7621e, Vernon's Civil Statutes, from misdemeanors to civil penalties of not to exceed \$1,000 per day for each and every day and each and every act; providing for injunctions; and declaring an emergency.

The committee amendments were severally adopted without objection.

SB 700, as amended, was passed to third reading.

SB 659 ON SECOND READING  
(Mr. Price—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 659, Authorizing a transfer of powers and duties of the Board of Managers of the Texas State Railroad to the Parks and Wildlife Department upon adoption of a formal resolution of the Parks and Wildlife Commission.

The bill was read second time.

Mr. Price offered the following amendment to the bill:

Amend SB 659 by striking line 34 of the Second Printing.

The amendment was adopted without objection.

SB 659, as amended, was passed to third reading.

SB 956 ON SECOND READING  
(Mr. Hull—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 956, Providing for the authorization and issuance, by cities or towns owning a sea life park or oceanarium, of Certificates of Indebtedness for certain improvements.

The bill was read second time and was passed to third reading.

SB 702 ON SECOND READING  
(Mr. Adams—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 702, Authorizing the Parks and Wildlife Department to execute deeds to exchange portions of certain sections at Palo Duro State Park for adjoining real property.

The bill was read second time and was passed to third reading.

SB 351 ON SECOND READING  
(Mr. Heatly—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 351, Relating to the issuance of short-term commercial vehicle permits to haul loads of larger tonnage.

The bill was read second time and was passed to third reading.

SB 677 ON SECOND READING  
(Mr. Finnell—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 677, Relating to the consolidation and dissolution of all or parts of certain independent school districts.

The bill was read second time and was passed to third reading.

SB 961 ON SECOND READING  
(Mr. Atwood—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 961, Validating certain actions of the Railroad Commission relating to the transportation of agricultural products in their natural state.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Calhoun requested to be recorded as voting Nay on the passage to third reading of SB 961.

SB 830 ON SECOND READING  
(Mr. Cavness—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 830, Relating to services extended to handicapped persons by the State Commission for the Blind.

The bill was read second time and was passed to third reading.

SB 828 ON SECOND READING  
(Mr. Cavness—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 828, Authorizing the State Commission for the Blind to grant such easements and rights-of-way on behalf of the State of Texas as might be necessary for the proper construction and development of the Criss Cole Rehabilitation Center for the Blind in Austin.

The bill was read second time and was passed to third reading.

SB 924 ON SECOND READING  
(Mr. Doran—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 924, Relating to the election of board members of the Plateau Underground Water Conservation and Supply District.

The bill was read second time and was passed to third reading.

**SB 837 ON SECOND READING**  
(Mr. Baker—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 837, Relating to the lease of uranium and thorium and related minerals within surveys and portions of surveys sold with minerals reserved to the state.

The bill was read second time.

Mr. Spurlock offered the following committee amendments to the bill:

**Committee Amendment No. 1**

Amend SB 837 by striking Section 1, and substituting in lieu thereof the following:

Section 1. Section 1, Chapter 497, Acts of the 54th Legislature, 1955, as amended (Article 5421c-7, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Any tract of land belonging to the state, including all islands, salt and freshwater lakes, bays, inlets, marshes and reefs owned by the state within tidewater limits, and that part of the Gulf of Mexico within the jurisdiction of Texas, and all unsold surveyed public free school land and all rivers and channels belonging to the state and any lands sold with a reservation in favor of the state of minerals thereunder, shall be subject to prospect for all other minerals, except oil, gas, coal, lignite, sulphur, salt, and potash, shell, sand and gravel, and except uranium, and thorium, other fissionable materials, on any lands sold with a reservation in favor of the state of minerals thereunder, by any person, firm or corporation desiring to prospect same by the filing of an application with the Commissioner of the General Land Office, designating the area to be prospected, each such application shall be for an area not in excess of six hundred forty (640) acres with a ten percent (10%) tolerance for tracts, sections, and surveys that contain more than 640 acres. Such application must be accompanied by rental payment of not less than twenty-five cents (25¢) per acre."

**Committee Amendment No. 2**

Amend SB 837 by striking Sec. 3, Section 2, and substituting in lieu thereof the following:

"Section 2. The owner of the soil is hereby authorized to lease to any person, firm or corporation, the coal, lignite, sulphur, potash, uranium and thorium that may be thereon or therein, upon the lease forms prepared by the General Land Office. All of said minerals may be leased together or separately. For any lease so made and executed, the lessee shall pay to the state sixty percent (60%) of all bonuses agreed to be paid therefor, and

sixty percent (60%) of all rentals and royalties payable thereunder, and the lessee shall pay to the owner of the soil forty percent (40%); provided that, in the event of production, the state shall receive not less than one-sixteenth (1/16th) of the value of said minerals so produced."

The committee amendments were severally adopted without objection.

SB 837, as amended, was passed to third reading.

SB 489 ON SECOND READING  
(Mr. Cavness—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 489, Authorizing the State Building Commission or such Commission's successor in function to grant such easements and rights-of-way on behalf of the State of Texas as shall be necessary in certain instances.

The bill was read second time and was passed to third reading.

SB 292 ON SECOND READING  
(Mr. Heatly—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 292, Relating to the travel and clothing expenses of economically deprived children attending the Texas School for the Deaf.

The bill was read second time and was passed to third reading.

SB 829 ON SECOND READING  
(Mr. Cavness—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 829, Relating to vending facilities operated on state property by blind persons.

The bill was read second time and was passed to third reading.

SB 425 ON SECOND READING  
(Mr. Uher—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 425, Prescribing compensation for county officials in certain counties.

The bill was read second time and was passed to third reading.

SB 270 ON SECOND READING  
(Mr. Wieting—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 270, Authorizing the commissioners court of any county in the state to increase the compensation of district, county, or precinct deputies, etc.

The bill was read second time and was passed to third reading.

#### VOTES RECORDED

Representatives Patterson and Rosson requested to be recorded as voting Nay on the passage to third reading of SB 270.

#### SB 350 ON SECOND READING (Mr. Heatly—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 350, Relating to the hauling of harvesting machinery under a temporary motor vehicle registration permit.

The bill was read second time.

Mr. Clayton offered the following amendment to the bill:

Amend SB 350 by adding after the word "bags" on line 34 page 1 of the Second Printing the following "and all other agriculture products"

The amendment was adopted without objection.

SB 350, as amended, was passed to third reading.

#### SB 880 ON SECOND READING (Mr. Tom Holmes—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 880, Relating to the election of trustees in certain independent school districts.

The bill was read second time and was passed to third reading.

#### HB 1438 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1438, Relating to policemen's pension funds in certain cities.

The bill was read second time.

Mr. McAlister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1438, Line 22 by striking the number "nine hundred thousand



(900,000)" and substituting the number "one million two hundred thousand (1,200,000)".

The committee amendment was adopted without objection.

HB 1438, as amended, was passed to engrossment.

#### HB 878 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 878, Providing for the compensation of the Official Shorthand Reporter of the 149th Judicial District.

The bill was read second time.

Mr. Short offered the following committee amendment to the bill:

##### Committee Amendment No. 1

Amend First Printing of HB 878 by adding the following on Line 22 thereof after the word "District":

"and approved by the Commissioners Court of Brazoria County."

The committee amendment was adopted without objection.

HB 878, as amended, was passed to engrossment.

#### HB 687 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 687, Relating to the authority of the commissioners courts of certain counties to appoint a special investigator to serve under the direction of the county attorney.

The bill was read second time.

Mr. Uher offered the following committee amendments to the bill:

##### Committee Amendment No. 1

Amend HB 687 by striking the second sentence in section 3, beginning after the period on line 23 and ending on line 25.

##### Committee Amendment No. 2

Amend HB 687 by renumbering "Section 5" as "Section 6" and inserting the following:

"Section 5. The office of such special investigator shall terminate two years from the effective date of this Act."

The committee amendments were severally adopted without objection.

HB 687, as amended, was passed to engrossment.

HB 1124 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1124, Relating to the use of certain types of firearms in Liberty and Chambers Counties.

The bill was read second time and was passed to engrossment.

HB 1391 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1391, Changing the manner of payment of construction contracts by water control and conservation districts.

The bill was read second time and was passed to engrossment.

VOTES RECORDED

Representatives Braun and Nichols requested to be recorded as voting Nay on the passage to engrossment of HB 1391.

HB 1390 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1390, Changing the manner of payment of construction contracts by water control and improvement districts.

The bill was read second time and was passed to engrossment.

VOTE RECORDED

Mr. Braun requested to be recorded as voting Nay on the passage to engrossment of HB 1390.

HB 1633 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1633, Authorizing the Commissioners Court of Kerr County to quit-claim to the County of Kendall all right, etc., of the County of Kerr in and to two certain described tracts of land in the town of Comfort, Texas.

The bill was read second time and was passed to engrossment.

HB 949 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 949, Providing regular meeting dates of the State Board of Education.

The bill was read second time and was passed to engrossment.

#### HB 136 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 136, Relating to the jurisdiction of the county courts at law of Jefferson County in certain civil matters and cases.

The bill was read second time and was passed to engrossment.

#### HB 774 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 774, Relating to a time limit and the burden of proof in contraband narcotics vessel, vehicle, or aircraft seizure and forfeiture hearings.

The bill was read second time and was passed to engrossment.

#### HB 1792 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1792, Relating to the compensation to be paid counsel appointed to defend an indigent.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

#### Committee Amendment No. 1

Amend Section 1 of HB 1792 as follows:

(1) Strike the word "trial" and add the words "or a fractional part thereof" between the words "day" and "in" in quoted Subdivision (a).

(2) Strike the word "trial" in quoted Subdivision (b).

(3) Add the words "or a fractional part thereof" between the words "day" and "in" in quoted Subdivision (c).

(4) Strike the words "be less than" and substitute the word "exceed" in quoted Subdivision (d).

The committee amendment was adopted without objection.

HB 1792, as amended, was passed to engrossment.

## HB 1456 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1456, Authorizing the Board of Regents of Texas Tech University, on behalf of the State of Texas, to execute and deliver a proper conveyance granting a right-of-way easement to the Pioneer Natural Gas Company under, etc., a certain tract of land described herein.

The bill was read second time and was passed to engrossment.

## HB 903 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 903, Relating to the filing and payment of claims against the estate of a decedent.

The bill was read second time.

Mr. Hendricks offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 903 as follows:

(1) Substituting the following for Section 4 and renumbering the present Section 4 to be Section 5:

Section 4. That Section 327 of the Texas Probate Code be and is hereby amended to hereafter read as follows:

"Section 327. Claims Presented Against Estate of Decedent After Six Months

"Unsecured claims against the estate presented to an executor or administrator after the expiration of six months from the original grant of letters, and allowed and approved or established by judgment, shall be paid by the executor or administrator at any time before the estate is finally closed, when he has funds of the estate in his hands over and above what is sufficient to pay all debts of every kind against the estate that were presented within the six months and allowed and approved or established by judgment, or that shall be so established; and an order for the payment of any such claim may be obtained from the court, upon proof that the executor or administrator has such funds, in like manner as is provided in this Code for other creditors to obtain payment."

The committee amendment was adopted without objection.

Mr. Finck offered the following amendment to the bill:

Amend HB 903 by adding the following section between the present Section 3 and Section 4 of the bill and renumbering the present Section 4 as Section 5:

Sec. 4 Subsection (b), Section 144, Texas Probate Code, as amended, is amended to read as follows:

"(b) To nonresidents. Whenever a nonresident minor or whenever a nonresident person duly adjudged by a court of competent jurisdiction to be of unsound mind or to be an habitual drunkard, having no legal guardian qualified in this state, is entitled to money in an amount, not exceeding Three Thousand Dollars owing as a result of transactions within this state, the right to which is liquidated and is uncontested in any pending lawsuit in this state, the debtor in this state may pay such money to the guardian of such creditor duly qualified in his domiciliary jurisdiction or to the county clerk of any county in this state in which real property owned by such nonresident person is situated. If such person is not known to own any real property in any county in this state such debtor shall have the right to pay such money to the county clerk of the county of this state in which the debtor resides. In either case, such payment to the clerk shall be for the use and benefit and for the account of such nonresident creditor, and the receipt for such payment signed by the clerk, reciting the name of such creditor and his post-office address, if known, shall be forever binding against such creditor as of the date and to the extent of such payment. Such money so paid to such clerk shall be handled by him in the same manner as above provided for in cases of payments to the clerk for the accounts of residents of this state, and all applicable provisions of Subsection (a) above shall apply to the handling and disposition of money or any increase, dividend, or income herefrom so paid to the clerk for the use, benefit, and account of such nonresident creditor."

The amendment was adopted without objection.

Mr. Hendricks offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend HB 903 by striking all above the enacting clause and substituting the following therefor:

"A bill to be entitled An Act amending Section 298(a), Section 311(a), Section 322 and Section 327 of the Texas Probate Code relating to the filing and payment of claims against the estate of a decedent; and declaring an emergency."

The committee amendment was adopted without objection.

HB 903, as amended, was passed to engrossment.

**HB 1676 ON SECOND READING**

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1676, Relating to an increased maintenance tax in certain common school districts.

The bill was read second time and was passed to engrossment.

**VOTE RECORDED**

Mr. Salter requested to be recorded as voting Nay on the passage to engrossment of HB 1676.

## HB 521 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 521, Relating to rules promulgated by the State Board of Education.

The bill was read second time.

Mr. Silber offered the following amendment to the bill:

Amend HB 521 by striking paragraph (c) of Section 1, and in lieu thereof substituting the following:

"(c) All rules promulgated by the State Board of Education concerning the qualifications of personnel employed to fill the positions classified by the Central Education Agency shall contain the provisions stating that when specifically requested by a local board, persons holding a degree and a permanent teaching certificate, and already employed to fill the positions for which new qualifications are set shall not be disqualified from holding the positions for failure to meet the new qualifications."

The amendment was adopted without objection.

HB 521, as amended, was passed to engrossment.

## HB 1776—LAID ON THE TABLE SUBJECT TO CALL

Mr. Atwood moved to lay HB 1776 on the table subject to call.

There was no objection and it was so ordered.

## HB 1715 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1715, Relating to the salary of certain officials in certain counties.

The bill was read second time and was passed to engrossment.

## HB 1113 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1113, Exempting the sale of certain real property interests of political subdivisions from bid procedures and publication requirements.

The bill was read second time.

Mr. Grant Jones offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 1113 by striking all matter below the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 2, Chapter 455, Acts of the 61st Legislature, Regular Session, 1969 (Article 5421C-12, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. Bid procedures and publication requirements as set forth in Section 1 of this Article shall not be applicable in the sale or disposal of real property interests belonging to a political subdivision in the following circumstances:

"(a) Narrow strips of land, or land so shaped or so small as to be incapable of being used independently as zoned, in which event such land may be sold to the abutting property owner or owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner.

"(b) Streets or alleys, whether owned in fee or used by easement, in which event such land or interest may be sold to the abutting owner or owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner.

"(c) All types of easements where the abutting property owner or owners also own the underlying fee simple title, in which event such land or interest may be sold to the abutting property owner or owners in proportion to their abutting ownership, such division between owners to be made in an equitable manner.

"(d) Any land or interest therein which the political subdivision chooses to trade or exchange as consideration for other land acquired for public use, including transactions which may be partly for cash and partly by trade or exchange.

"(e) Any land or interest therein owned by the political subdivision where the conveyance to the political subdivision contains a reverter clause, a conditional limitation, a condition precedent or subsequent, or any other similar language which conditions the title upon the use of the property by the political subdivision for a certain purpose or purposes, in which event the land or interest therein may be sold or relinquished for consideration to the beneficiary of such title, based upon the maturity of the reverter or condition.

"(f) Land owned by the political subdivision whether in fee or otherwise which is land-locked and is not accessible to a public street, in which event such land may be sold to the abutting property owner or owners to be made in an equitable manner.

"(g) Land owned by a political subdivision which it desires to have developed by contract with an independent foundation.

"Section 2. Chapter 455, Acts of the 61st Legislature, Regular Session, 1969 (Article 5421C-12, Vernon's Texas Civil Statutes), is amended to add a new Section 4, to read as follows:

"Sec. 4. Any conveyances, sale or trade made under the exemptions set forth in Section 2 hereof shall never be for less than the fair market value of such land or interest therein."

"Section 3. The importance of this legislation and the crowded condition

of the calendars of both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Committee Amendment No. 2

Amend the caption of HB 1113 to conform with the body of the bill by striking all matter above the enacting clause and inserting in lieu thereof the following:

A bill to be entitled An Act amending Section 2, Chapter 455, Acts of the 61st Legislature, Regular Session, 1969 (Article 5421C-12, Vernon's Texas Civil Statutes), and adding a new Section 4; exempting the sale of certain real property interests of political subdivisions from bid procedures and publication requirements; requiring sale or trade at market value; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1113, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Calhoun requested to be recorded as voting Nay on the passage to engrossment of HB 1113.

HB 1081 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1081, Relating to an increased maintenance tax in certain school districts.

The bill was read second time and was passed to engrossment.

HB 799 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 799, Relating to the treatment of persons with various respiratory diseases at East Texas Tuberculosis Hospital.

The bill was read second time.

Mr. Silber offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 799 by striking all below the enacting clause and substituting the following:

Section 1. Sections 1 through 6, Chapter 628, Acts of the 61st Legislature,



Regular Session, 1969 (Article 4477-13, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. (a) It is the policy of the State of Texas to provide a program of healing and treatment of the citizens of this state who are afflicted with chest diseases.

"(b) In order to effectively and economically carry out this policy, there is hereby established at the East Texas Tuberculosis Hospital a program of case-finding and treatment, both inpatient and outpatient, of all chest diseases.

"Section 2. (a) The East Texas Tuberculosis Hospital shall be the agency of the state to conduct research, develop techniques and procedures, provide training and teaching directly or with contracts with other agencies of this state, and be the primary facility for carrying out this policy.

"(b) The State Board of Health shall be responsible for carrying out the provisions of this Act. The board may accept and administer gifts and grants of money in whole or on a formula basis from the federal government and from any individual, corporation, trust, federal or state vocational rehabilitation program, or foundation to carry out the purpose of this Act, and shall use any funds appropriated by the Legislature for this program to operate the program.

"(c) The board may also establish necessary rules and procedures to cooperate with private institutions and individual doctors of medicine for the dissemination of research findings, treatment techniques, and procedures as a part of the educational policies of the Act.

"Section 3. Admission to the institution shall be subject to such rules and regulations as may be promulgated by the superintendent from time to time, which shall include written application from the patient or from the guardian of the patient or from some friend or relative of the patient. Such written application shall be upon such forms as may be prescribed by the superintendent and shall show the following:

"(1) Name of patient.

"(2) Sex of patient.

"(3) Age and nativity of patient.

"(4) A complete statement of the location, description, and value of any property, real or personal, owned, possessed, or held by the patient or by the guardian of the patient.

"(5) The name of all persons legally liable for the support of the patient, together with a complete statement of the location, description, and value of any property, real or personal, owned, possessed, or held by any such person.

"(6) The residence of the patient for a period of at least two years next preceding the date of application.

"(7) The occupation, trade, profession, or employment of the patient.

"(8) The names and addresses of the parents, children, brothers, and sisters, and other responsible relatives, if any, of the patient.

"(9) The names, addresses, and ages of any relatives who are or who may have been similarly afflicted.

"(10) Such other and further information or statements as may be required by the superintendent.

"Section 4. Every application shall be accompanied by a written request from the attending physician of the patient requesting the admission of such patient, which shall be in such form as may be prescribed by the superintendent and shall show the following:

"(1) A statement from the physician that he has adequately examined the patient and that such patient has, or is suspected of having, a chest disease, together with a statement showing the duration of the disease, if known, and indicating any accompanying bodily disorder or disorders the patient may have at the time of application.

"(2) Such other and further information as may be required by the superintendent.

"Section 5. No person shall be admitted to the institution until the superintendent is satisfied that all requirements of this Act have been met, subject to such rules and regulations as may be promulgated by the superintendent from time to time governing the admission of patients thereto.

"Section 6. A schedule of minimum fees and charges shall be established hereunder by the superintendent, which shall conform to the fees and charges customarily made for similar services in the community in which such services are rendered."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Williamson offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 799 by substituting the word "Chest" for "Tuberculosis" where it twice appears.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Mr. Williamson offered the following amendment to the bill:

Amend HB 799 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the treatment of persons with

various respiratory diseases at East Texas Chest Hospital; amending Sections 1 through 6, Chapter 528, Acts of the 61st Legislature, Regular Session, 1969 (Article 4477-13, Vernon's Texas Civil Statutes); and declaring an emergency.

The amendment was adopted without objection.

HB 799, as amended, was passed to engrossment.

Representatives Bowers and Simmons entered the House and were announced present.

#### HB 1397 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1397, Relating to city depositories.

The bill was read second time.

Mr. Howard offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1397 by striking the period at the end of line 29, placing a comma and adding the following:

"provided however that if any city has two or more banking institutions doing business within the city, the city shall consider bids and applications from only those institutions."

The committee amendment was adopted without objection.

HB 1397, as amended, was passed to engrossment.

#### VOTES RECORDED

Representatives Von Dohlen, Wieting, Newton, Calhoun, Patterson, Joe Hanna, Short, Poerner, Harris, Truan, Hendricks, Denton, Beckham, Bill Bass, Rosson, Kubiak, and John Hannah requested to be recorded as voting Nay on the passage to engrossment of HB 1397.

#### HB 918 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 918, Relating to requiring the commissioners courts of certain counties to provide for emergency ambulance service within those counties.

The bill was read second time.

Mr. Kaster offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 918 by striking all below the enacting clause and substituting therefor the following:

Section 1. The commissioners court of any county with a population in excess of 9,800 inhabitants but less than 10,150, according to the last preceding federal census, may provide within the county for emergency ambulance service, including all necessary equipment, personnel, and maintenance for the service.

Sec. 2. In providing for the service required by Section 1 of this Act, a commissioners court may enter into agreements with any city or town, hospital district, sheriff's office or fire department, private ambulance service, or any other agency or entity which the commissioners court finds to be suitably organized to provide efficient emergency ambulance service within the county.

Sec. 3. Any agreement to provide emergency ambulance service within a city, town, or hospital district entered into under Section 2 of this Act shall have the approval of the governing body of the city, town, or hospital district within which the service is to be rendered.

Sec. 4. A commissioners court operating under this Act may expend county funds to defray the expense of the establishment, operation, and maintenance of emergency ambulance service within the county, whether such service is provided directly by the county or by agreement with some other governmental agency or private entity.

Sec. 5. A commissioners court providing for emergency ambulance service under this Act shall establish reasonable fees for the service. The charging and collection of fees established may be done either by the commissioners court or by any other agency or entity performing the service. Special provision may be made for the rendering of emergency ambulance service to indigent persons.

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend HB 918 by striking all above the enacting clause and substituting therefor the following:

A bill to be entitled An Act relating to allowing the commissioners courts of certain counties to provide for emergency ambulance service within those counties; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 918, as amended, was passed to engrossment.

## HB 1019 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1019, Concerning the location and/or change of textbook depository(ies) and the approval thereof by the State Board of Education.

The bill was read second time and was passed to engrossment.

## HB 1034 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1034, Permitting the proof of guilt necessary for conviction on a plea of guilty to be by oral summary of the evidence if the defendant consents.

The bill was read second time.

Mr. Adams offered the following committee amendments to the bill:

## Committee Amendment No. 1

Amend HB 1034, First Printing, at Line 27 by deleting the word "summary" and substituting, therefor, the word "stipulation".

## Committee Amendment No. 2

Amend HB 1034, First Printing, on Line 31 after the word "filed" and the comma by deleting the phrase "with all of such evidence,".

## Committee Amendment No. 3

Caption Amendment to HB 1034: Amend the caption of HB 1034 on Line 10 by deleting the word "summary" and substituting, therefor, the word "stipulation".

The committee amendments were severally adopted without objection.

HB 1034, as amended, was passed to engrossment.

## HB 1615 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1615, Relating to an additional tax for common school districts in certain counties.

The bill was read second time and was passed to engrossment.

## HB 1707 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1707, Relating to the possession of a motor vehicle or part of a motor vehicle that has had certain alterations of serial number, etc.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1707 by striking all below the enacting clause and substituting the following:

Section 1. Subsections (b), (c), and (d), Section 49, Chapter 4, General Laws, page 602, Acts of the 46th Legislature, 1939 (Article 1436-1, Vernon's Texas Penal Code), are amended to read as follows:

"(b) It shall be unlawful for any person to alter, change, erase, or mutilate, for the purpose of changing the identity, any motor number, serial number, or manufacturer's permanent vehicle identification number placed on the vehicle, or any part thereof by the manufacturer, or any motor number or serial number assigned by the State Highway Department and placed or caused to be placed on a vehicle as provided by law for the purpose of identification. It shall also be unlawful for any person other than a vehicle manufacturer to stamp or place any motor number or manufacturer's serial number other than a number assigned by the State Highway Department as provided by law, on any vehicle or any part thereof. Any person violating the provisions of this Section commits a misdemeanor punishable by a fine not to exceed \$1,000, by confinement in jail for not more than 2 years or by both."

"(c)(1) A person who possesses a motor vehicle or any part of a motor vehicle that has had the serial number, the motor number, or the manufacturer's permanent identification number removed, changed, or obliterated when he knows the number has been removed, changed or obliterated commits a misdemeanor punishable by a fine not to exceed \$1,000, by confinement in jail for not more than 2 years, or by both."

"(2) It is a defense to prosecution under this subsection, which shall not be submitted to the jury unless evidence is admitted supporting it but which, if raised, must be negated beyond a reasonable doubt, that the person is the rightful or true owner of the motor vehicle or part of a motor vehicle that is the subject of the prosecution."

"(3) For purposes of this subsection, a person knows the serial number, the motor number, or the manufacturer's permanent vehicle identification number has been removed, changed or obliterated on a motor vehicle or a part of a motor vehicle in his possession if he is aware of but consciously disregards a substantial and unjustifiable risk that the number has been removed, changed, or obliterated. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard care that an ordinary person would exercise under all the circumstances as viewed from the defendant's standpoint."

"(d)(1) If a person is arrested for possession of a motor vehicle or part of a motor vehicle in violation of this section, the arresting officer will take the motor vehicle or part of a motor vehicle into his possession."

"(2) If the seizure under Subsection (d)(1) is not made pursuant to a search warrant, the arresting officer shall prepare and deliver to a magistrate a written inventory of each motor vehicle or part of a motor vehicle seized."

"(3) If the person arrested is charged with an offense under this section, the magistrate may order that any motor vehicle or part of a motor vehicle seized by the arresting officer be delivered to the law enforcement agency that seized it pending disposition of the charges."

"(4) If there is no prosecution or conviction for an offense involving the motor vehicle or part of a motor vehicle seized, the magistrate to whom the seizure was reported shall notify in writing the rightful owner, if known, that he is entitled to the motor vehicle or part of a motor vehicle upon request to the law enforcement agency holding it."

"(5) Upon conviction of any person for a violation of this section, the court shall order that any motor vehicle or part of a motor vehicle seized and impounded in connection with the offense be delivered to the rightful or true owner, if known."

"(6) If the rightful owner of a motor vehicle or part of a motor vehicle seized under this section is unknown and cannot be determined the court shall, after final disposition of the charges, order it forfeited to the state."

"(7) Any person interested in any motor vehicle or part of a motor vehicle seized under this section may, at any time, petition the magistrate to whom the seizure was reported to deliver possession of it to him. The magistrate, after notice to the law enforcement agency in possession of it, shall conduct a hearing to determine the petitioner's right to possession of the motor vehicle or part of a motor vehicle. If the petitioner proves by a preponderance of the evidence that he has a right to possession, the magistrate shall order it delivered to him."

Section 2. Sections 2, 20, and 21, Chapter 4, General Laws, page 602, Acts of the 46th Legislature, 1939 (Article 1436-1, Vernon's Texas Penal Code), are amended to read as follows:

"Section 2. The term 'motor vehicle' means every kind of motor driven or propelled vehicle now or hereafter required to be registered or licensed under the laws of this state, and shall also include trailers, house trailers, and semitrailers."

"Section 20. The terms 'motor number' or 'serial number' mean the manufacturer's original number affixed to or imprinted upon the engine or motor, transmission, body, frame, chassis or other part of a motor vehicle or the number assigned by the Texas Highway Department, affixed to or imprinted upon the engine or motor, transmission, body, frame, chassis or other part of a motor vehicle."

"Section 21. The term 'manufacturer's permanent vehicle identification number' means the number affixed by the manufacturer to a motor vehicle in a manner and place easily accessible for physical examination and die-stamped on various, removable parts of the vehicle."

Section 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative

public necessity that the Constitutional Rule requiring bills to be read three several days in each House be suspended, and this Rule is hereby suspended.

The committee amendment was adopted without objection.

HB 1707, as amended, was passed to engrossment.

#### HB 1848—VOTE RECONSIDERED

Mr. Doran moved to reconsider the vote by which HB 1848 was passed to engrossment.

The motion prevailed without objection.

Mr. Hubenak offered the following amendment to the bill:

Amend HB 1848 by omitting the word "property" on lines 24 and 43 of page 2 and on line 42 of page 1 of said bill.

The amendment was adopted without objection.

HB 1848, as amended, was passed to engrossment.

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Representative Lee entered the House and was announced present.

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#### HB 1262 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1262, Increasing the penalty for the unlawful dumping or depositing of certain wastes on or near a public highway.

The bill was read second time.

Mr. Dramberger offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1262, Second Printing, by adding a new subsection B to Section 2, to read as follows:

"No person operating a vehicle on any public road or public street in this state shall permit any refuse or garbage to fall from his vehicle; but this provision shall not apply to taxis, buses, or other vehicles transporting passengers for hire."

and reletter the remaining subsections of Section 2 accordingly.

The committee amendment was adopted without objection.

HB 1262, as amended, was passed to engrossment.



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Representative Griffith Moore entered the House and was announced present.

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#### HB 1583 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1583, Relating to the ineligibility of certain persons who are operators, etc., of convalescent or nursing homes to act under authority of a power of attorney.

The bill was read second time.

Mr. Ogg offered the following amendments to the bill:

Add to Section 1, after the word period on line 24 on First Printing, the following: “; except that the owner, operator or administrator of a convalescent or nursing home may act as an agent or personal representative of a person who resides or resided in the convalescent or nursing home, for purposes of voter registration and to assist in the actual marking of the ballot.”

Amend HB 1593 by striking Section 3 (f) on lines 49 and 50 and re-numbering all subsequent sections.

The amendments were severally adopted without objection.

Mr. Harding offered the following amendment to the bill:

Amend HB 1583 by deleting the period at the end of Section 4 of the bill and adding the following at the end of Section 4:

“and do not apply to a person who, on the effective date of this Act, is serving in a fiduciary capacity which is prohibited by the provisions of Sections 1 and 3 of this Act.”

The amendment was adopted without objection.

HB 1583, as amended, was passed to engrossment.

#### HB 211 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 211, Relating to a pilot program to treat persons with various respiratory diseases at Harlingen State Tuberculosis Hospital.

The bill was read second time.

Mr. Murray offered the following committee amendment to the bill:

## Committee Amendment No. 1

Amend HB 211 by striking out the phrase "Harlingen State Tuberculosis Hospital" where it appears in said bill, and inserting in lieu thereof the following: "Harlingen State Chest Hospital and San Antonio State Chest Hospital."

The committee amendment was adopted without objection.

HB 211, as amended, was passed to engrossment.

## HB 1677 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1677, Creating the Hansford County Hospital District over all of Hansford County.

The bill was read second time and was passed to engrossment.

## HB 1069 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1069, Relating to the liability of the surety on bonds for licensed warehousemen.

The bill was read second time and was passed to engrossment.

## HB 804 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 804, Providing for the recovery by a retailer of farm implements and parts, or a retailer of vehicles and parts, of the total net price of these aforesaid upon discontinuance of the dealer's contract by the wholesaler.

The bill was read second time.

Mr. Presnal offered the following committee amendment to the bill:

## Committee Amendment No. 1

Amend HB 804, Second Printing, as follows:

(1) Strike Subdivision (2) of Section 1 and substitute the following:

(2) "Implement" means any tractor, harvester, attachment, machinery, or implement used in the business of farming, forestry, or construction.

(3) Strike the word "farm" on page 1, Lines 25, 30, 33, 37, 38, and on page 2, lines 18, 21, 27, 31, and 38.

The committee amendment was adopted without objection.

HB 804, as amended, was passed to engrossment.

VOTE RECORDED

Mr. Pickens requested to be recorded as voting Nay on the passage to engrossment of HB 804.

HB 1099 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1099, Relating to leasehold interests in land, etc., owned in whole or in part by the state, etc., or any other governmental or public entity or body politic.

The bill was read second time.

Mr. Clayton offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1099 by striking all below the enacting clause and substituting the following:

"Section 1. Articles 7173 and 7174, Revised Civil Statutes of Texas, 1925, are amended to read as follows:

"Article 7173. Leasehold interests in land, buildings, or improvements owned in whole or in part by the state, a county, a city or cities, a school district or any other governmental or public entity or body politic.

Property held under a lease for a term of one year or more, or held under a contract for the purchase thereof, belonging to the state, a county, a city or cities, a school district, or any other governmental or public entity, authority or body politic or that is exempt by law from taxation in the hands of the owner thereof, shall be considered for all the purpose of taxation, as the property of the person so holding the same, except as otherwise specially provided by law; however this shall not include:

(a) A lease or use of a public transportation building or facility, or

(b) A use by way of concession in or relative to the use of a public airport terminal, public park, public market, fairground or similar public property, or

(c) A grazing or agricultural lease on property owned by such a governmental or public entity.

Timber held by persons or corporations, heretofore or hereafter purchased from the state under the various laws for that purpose, shall likewise be subject to assessment for taxes, and the value thereof for taxation shall be ascertained as the value of other property is ascertained. And should the owner of such timber fail or refuse to pay the taxes assessed against it, the same shall be sold for the taxes thereon, as provided in this title for the sale of personal property for taxes, provided that the same can be found by the collector; but, if the timber cannot be found, then the collector

shall collect the taxes due as the taxes on other personal property are collected; provided, further, that the Land Commissioner shall furnish by the first of January each year to the various commissioners courts and the tax assessors of this state a full and complete list of all timber sold by the state belonging to the school funds, giving the number of acres, price and to whom sold, in the respective counties where the timber so sold is situated. In case of the sale of such timber for taxes as herein provided, the purchaser shall take and hold the same under the same terms and conditions as the original purchaser thereof from the state.

**"Article 7174. Valuation of property for taxation.**

Each separate parcel of real property shall be valued at its true and full value in money, excluding the value of crops growing or ungathered thereon.

In determining the true and full value of real and personal property the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which such property would sell at auction or a forced sale or in the aggregate with all the property in his county; but he shall value each tract or lot by itself, and at such sum and price as he believes the same to be fairly worth in money at the time such assessment is made.

In valuing any real property on which there is a coal or other mine, or stone or other quarry, or springs possessing medicinal properties, the same shall be valued at such price as such property, including a mine, or quarry or spring, would probably sell at a fair voluntary sale for cash.

Taxable leasehold estates on nonexempt property shall be valued at such price as such leasehold estates would bring at a voluntary sale for cash, and taxable leasehold estates on exempt property shall be valued at such price as such leasehold estates would bring at a voluntary sale thereof for cash, based upon the value of a comparable improvement if located on nonexempt property, with reductions for reversionary interests, restrictions on use, and credit for normal rental.

Personal property of every description shall be valued at its true and full value in money.

Money, whether in possession or on deposit, or in the hands of any member of the family, or any person whatsoever, shall be entered in the statement at the full amount thereof.

Every credit for a sum certain, payable either in money or property of any kind, shall be valued at the full value of the same so payable. If for a specified article or for a specified number or quantity of property of any kind, it shall be valued at the current price of such property at the place where payable. Annuities or moneys payable at stated periods shall be valued at the price that the person listing the same believes them to be worth in money."

Section 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Boyle offered the following amendment to Committee Amendment No. 1:

Amend Section 1 of Committee Amendment No. 1 to HB 1099 by inserting between the words "thereof" and "shall" in the first sentence of the second paragraph in the amendment to the quoted Article 7173, "except for properties held, owned or dedicated, in trust or otherwise, to the support, maintenance or benefit of institutions of higher education."

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

HB 1099, as amended, was passed to engrossment.

#### HB 893 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 893, Creating the Van Zandt County Hospital District.

The bill was read second time and was passed to engrossment.

#### HB 1784 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1784, Changing the name of the Texas Fine Arts Commission to the Texas Commission on the Arts and Humanities.

The bill was read second time and was passed to engrossment.

#### VOTE RECORDED

Mr. Patterson requested to be recorded as voting Nay on the passage to engrossment of HB 1784.

#### HB 1759 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1759, Including Zapata County under the provisions of the Uniform Wildlife Regulatory Act.

The bill was read second time and was passed to engrossment.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 19, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 125, By Short: Creating a special interim committee to make a thorough study of severed mineral estates in Texas.

SB 610, By McKool: Relating to the deposit to accompany application for place on the ballot; and declaring an emergency.

SB 778, By Hall: To authorize and provide for union recognition and collective bargaining for fire fighters employed by cities, towns, and other political subdivisions of the state; and declaring an emergency.

SB 1000, By Word, et al: Relating to transfer of appellate authority from the State Banking Board to the Banking Section of the Finance Commission of Texas; and declaring an emergency.

SB 1001, By Word, et al: Relating to application for and granting of state bank charters; and declaring an emergency.

Respectfully,  
CHARLES A. SCHNABEL  
Secretary of the Senate

CONSIDERATION OF LOCAL AND CONSENT  
CALENDAR OF BILLS—(continued)

HB 462 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 462, Defining and regulating the business of giving bond in criminal and quasi-criminal cases, etc.

The bill was read second time.

Mr. Santiesteban offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend HB 462, First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Declaration of Policy. It is declared to be the policy of this state to preserve and to make more equitable the procedures governing the giving of security for the appearance of criminal defendants at judicial proceedings. To implement this policy, the legislature finds and declares the necessity for regulation of the commercial practice of making bonds for another.

Sec. 2. Definitions. As used in this Act:

- (1) "Board" means the Texas Bail Bond Board or a county bail bond board.
- (2) "Person" includes any individual person, corporation, other business entity, or association of persons.
- (3) "Bondsman" means any person who for another deposits any cash, bond, or other security, or executes as surety any bond or recognizance, for hire or for any reward, for the purpose of securing the release of persons accused of criminal offenses.

(4) "Company" includes any corporation or other business entity.

(5) "Bond" includes any cash deposit, recognizance, or any similar deposit or written undertaking to assure the appearance of a person accused of a criminal offense at any court proceeding which pertains to the criminal accusation.

(6) "To jump bail" means any material violation of the conditions of a bond by the principal and includes specifically the failure to appear in any judicial proceeding in connection with the criminal accusation when the appearance is required by the court.

Sec. 3. License Required; Exceptions. (a) Within 90 days after the effective date of this Act, except as provided in Subsections (b) and (c) of this section, no person may act as a bondsman unless he is licensed in accordance with the provisions of this Act.

(b) Any fidelity, guaranty, or surety corporation licensed by the State Board of Insurance or the State Banking Board is deemed licensed under, and subject to, the provisions of this Act. The corporation may be represented only by an agent who is a bondsman licensed under this Act. Any bond made by the corporation shall be cosigned by an agent who is licensed under the provisions of this Act.

(c) The attorney for an accused in a criminal matter may execute a bond or surety for the accused without first obtaining a license under this Act. Any attorney executing a bond or surety under authority of this subsection may not engage in the practices which are the basis for license revocation under Section 11(b) of this Act. Any attorney engaging in any such prohibited practice shall be subject to the penalties provided in Section 16(h) and may not, for a period of two years following the assessment of a penalty, execute a bond or surety under authority of this subsection.

Sec. 4. Bail Bonding Procedure. (a) Any person charged with an offense that is bailable, may at his appearance before a magistrate be released pending trial on his personal bond unless the magistrate determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required.

(b) When a magistrate determines that a release on personal bond will not be sufficient to assure the appearance of the person charged, he shall impose either in lieu of or in addition to personal bond, the first of or any combination of the following conditions of release that will reasonably assure the appearance of the person charged:

(1) place the person in the custody of a designated person or organization agreeing to supervise him;

(2) place restrictions on his travel, associations, or residence during the period of release;

(3) require the execution of a bail bond by a qualified surety; or

(4) any other condition reasonably necessary to assure his appearance, including a condition that the person return to custody after specified hours.

(c) In determining which conditions of release will reasonably assure appearance the magistrate shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

Sec. 5. Premium or Fee. The premium or fee collected for the making of any bail bond in this state may not be excessive or unfairly discriminatory.

Sec. 6. County Board. (a) In each county of this state having a population of 300,000 or more, according to the last preceding federal census, a county bail bond board is created.

(b) Each county bail bond board shall be composed of three deputy commissioners to be appointed for two-year terms by the State Board of Insurance upon the recommendation of the commissioners court of the county. Each deputy commissioner shall be licensed or qualified to be licensed under this Act within the county in which he serves. A majority of the deputy commissioners constitutes a quorum for the conduct of business.

(c) Vacancies on a county bail bond board shall be filled by appointment of the State Board of Insurance for the unexpired term of a deputy commissioner in the manner provided in Subsection (b) for original appointments.

(d) A deputy commissioner may be reappointed for one additional term but in no event may one person hold the office of deputy commissioner for more than four consecutive years.

(e) The State Board of Insurance shall revoke the appointment of a deputy commissioner upon a showing that the deputy commissioner has negligently or wilfully failed to perform the duties of his office.

(f) The State Board of Insurance or its agent shall at least twice yearly at unannounced times inspect all records, transcripts, or other data pertaining in any manner to the proceedings of the bail bond board sitting in any county authorized hereunder, and may interview deputy commissioners and witnesses to any of the activities of the board to the end that this Act may be administered efficiently and effectively.

Sec. 7. State Board. (a) The Texas Bail Bond Board is created. The board has jurisdiction within all counties having a population of less than 300,000, according to the last preceding federal census.

(b) The board consists of three deputy commissioners, appointed by the State Board of Insurance, who are licensed or qualified to be licensed under this Act. The State Board of Insurance shall appoint the deputy commissioners from a county or counties, each of which has a population of less than 300,000 according to the last preceding federal census. A majority of the deputy commissioners constitutes a quorum for the conduct of business.



(c) The board shall sit in Travis County and shall regulate, for each county having a population of less than 300,000 according to the last preceding federal census, all activities governed by the provisions of this Act.

(d) The provisions of Subsections (c) through (f) of Section 6, concerning county boards, are applicable to the board.

Sec. 8. Powers and Duties. Any county or the state bail bond board shall have the following powers and duties:

(1) to establish a maximum premium rate to be collected for the making of any bail bond in the county or counties under its supervision;

(2) to conduct hearings and make determinations respecting the licensing of bail bondsmen within the provisions of this Act and to issue licenses to those applicants who qualify under the terms of this Act;

(3) to administer oaths and examine witnesses in its hearings;

(4) to investigate applicants and licensees and all persons in concert with them to determine their qualifications to meet the requirements of this Act;

(5) to cause records and transcripts to be made of all its proceedings; and

(6) to maintain records and minutes and otherwise operate its office affairs.

Sec. 9. License Applications and Issuance. (a) Any person desiring to engage in the business of giving and making bail in any court in this state shall file with the board a sworn application for a license. The application shall be in such form as the board may prescribe, and shall include:

(1) the name and address of the applicant, and if the applicant is a firm or corporation, the name of each officer and director thereof, and the name of each of its employees actively engaged in processing the giving or making of bail bonds;

(2) the name under which the business shall be conducted;

(3) the name of the place or places, cities, and counties in which the business is to be conducted;

(4) whether the applicant has ever been convicted of, or is at the time under indictment for, a felony or other crime involving moral turpitude; and

(5) a list of real properties owned by the applicant and rendered on the tax rolls of the appropriate county, as certified by the county tax assessor and collector of each county wherein the property lies or, in lieu thereof, deposit with the board of \$15,000 in United States Government bonds.

(b) Any fidelity, guaranty, or surety corporation qualified to act as a surety or guarantor in the State of Texas, need not make application under this section but rather shall name its agent or agents designated to write bonds.

(c) The application shall be accompanied by letters of recommendation from three reputable persons who have known the applicant for a period of at least three years and which letter shall recommend applicant as having a reputation of honesty, truthfulness, fair dealing, and competency and shall recommend that the license be granted to the applicant.

(d) The application shall be accompanied by a fee of \$300 for the filing of any original application. When an original license has been lost or destroyed and an affidavit attesting thereto has been filed, a duplicate shall be issued for a fee of \$2.

(e) Upon notice from the board that an applicant has been tentatively approved, the applicant shall then either:

(1) deposit with the board of the county which may grant him a license under this Act a cashier's check, certificate of deposit, or cash money in the amount of \$5,000; or

(2) execute in trust to the board of the county which may grant him a license under this Act a deed to unencumbered real property of the true value, as determined by the board, of not less than \$10,000, the condition of the trust being that the property may be sold by a sheriff to satisfy final judgments on bond forfeitures as may be made in bonds executed by him after notice and upon conditions as are set out in this Act.

(f) The cash deposit or the funds realized from the trust required in Subsection (e) of this section may be used to pay the final judgments of any bond forfeiture which results from such person's making bail bonds, if the licensee fails to satisfy such final judgment within 30 days subsequent to the date of the judgment's entry. The portion not used shall be returned to the licensee, his heirs, or assigns, if and when the licensee under this Act ceases to engage in the business of making bail and ceases to maintain his license in the event that there are not final judgments outstanding against the licensee. When any sums are depleted from the trust by reason of payment of final judgments resulting from a forfeited bond, the licensee shall as a condition for continuing in his status as a licensee, replace the amount taken.

(g) Before application of monies from the deposit and before any action is taken to liquidate property held in trust, the board or its agent shall make demand of the licensee to pay the judgment. In the event of his failure or refusal to do so, the board shall give further notice to the licensee that unless the judgment is paid within 15 days of the notice given, the board will recover the judgment out of funds or properties in its hands or held in trust by the board. After the expiration of 30 days from the latter notice, the board may take any and all steps necessary to satisfy the judgments as provided above. It shall be the duty of the licensee to keep the board currently notified of a mailing address to which the notices may be sent. The mailing of notices by certified mail to that address shall be sufficient to comply with the requirements of lawful notice.

Sec. 10. Expiration of License. (a) A license issued under this Act expires on December 31 of each year and shall not be renewed unless an application for renewal is filed with the board 30 days before expiration. The application for renewal shall have the same form and content as an application for an original license under this Act. The application for renewal shall be accompanied by a renewal fee of \$300. The license may then be renewed for a period of 12 months from the date of expiration and may be renewed subsequently each year in like manner.

(b) All fees collected by a county board shall be deposited in the general fund of the county treasury. All fees collected by the state board shall be deposited in the general revenue fund of the state treasury.

(c) Each license, when issued, shall show on its face the date of expiration, license number, and the name of the licensee. Each renewed license shall have the same number as assigned the licensee originally.

Sec. 11. Refusal and Revocation of Licenses. (a) No license shall be renewed for, nor issued to any person who:

(1) has been convicted of a felony or any other crime involving moral turpitude, under the laws of this state, of any other state, or of the federal government;

(2) is, at the time of request, bankrupt or insolvent; or

(3) has had his license revoked for default upon a bond, unless and until such person has satisfied the obligations of the bond.

(b) A license issued under this Act may be suspended or revoked by the board upon:

(1) violation by the licensee of any provision of this Act;

(2) licensee's fraudulently obtaining a license under the provisions of this Act;

(3) licensee's conviction of any felony or other crime involving moral turpitude under the laws of this state, of any other state, or of the federal government;

(4) licensee's becoming bankrupt or insolvent;

(5) licensee's failure to pay any final judgment within 30 days after its entry, such judgment being on any forfeited bond in any court of competent jurisdiction within the State of Texas; or

(6) licensee's paying commission or dividing commission or fees with any person, company, firm, or corporation not licensed hereunder to execute bonds or in any manner passing anything of value to any person for referrals of bond business.

Sec. 12. Procedure for Suspension or Revocation of License. (a) The board shall revoke or suspend a license only upon good cause shown as provided in Section 11 or Section 15 of this Act and in accordance with the procedure provided in this section.

(b) Notice of a hearing to suspend or revoke shall be given by certified mail addressed to the last known address of the licensee at least 10 days prior to a date set for such hearing.

(c) The notice shall specify the charges of violation of this Act made against the licensee, and no other charges shall be made at the hearing pursuant to the notice.

(d) The hearing shall afford to the licensee opportunity to be heard by himself and other witnesses, and to question witnesses against him.

(e) A record of such hearing shall be made and shall be made available to licensee upon his request subject to his paying reasonable costs of transcription.

Sec. 13. Court Review. An appeal may be taken from any board order revoking, suspending, or refusing to issue a license. The appeal must be made within 60 days after written notice of the suspension, revocation, or refusal to license, by filing a petition in the district court in the county where the action complained of transpired. If no appeal is taken within 60 days after written notice of the suspension, revocation, or refusal, the action shall become final. The appeal shall be a trial de novo. In such appeal the substantial evidence rule shall not apply and the burden of proof shall be upon the board by the preponderance or greater weight of the evidence.

Sec. 14. Other Provisions. (a) Any bail bond lawfully executed as to form and amount by any licensee under this Act shall be received and accepted by a sheriff of any county for the purpose of gaining the release of the named principal held in custody by any authority in his county upon accusation of an offense in which the county or district court has jurisdiction. The sheriff of any county shall have the sole responsibility to receive such bail bonds and release persons so held.

(b) No person whose application for a license to engage in making bond has been refused finally shall be eligible to make application for a license again for a period of one year from the date of the previous application's rejection.

(c) The clerk of the court shall give at least 10 days' notice in writing of the date of trial to any person, firm, or corporation depositing for another any cash, bonds, or other securities or executing as surety any bond or recognizance in any criminal or quasi-criminal action pending in the court. Failure to notify a surety shall be a complete defense to taking judgment for forfeiture.

(d) The salaries of a deputy commissioner appointed hereunder shall not exceed \$300 per month. Funds for the purpose of salaries, office personnel, and investigative expense shall be appropriated by the county commissioners from the general fund of each county of a population of 300,000 or more. Such expenses as they may relate to the board sitting in Travis County having jurisdiction over counties of less population than 300,000, shall be paid by the State Board of Insurance out of state funds appropriated generally for the operating expense of that board.

(e) The district attorney of Travis County shall act as attorney for the Texas Bail Bond Board. The district attorney or criminal district

attorney of any county in which a county bail bond board sits shall act as attorney for the county board.

Sec. 15. Acts Justifying Revocation of License or Penalty. The following specified acts, in addition to others prohibited by this Act, shall be deemed grounds for suspension or revocation of a license to engage in the business of making bond:

(1) No person, licensed under this Act, or required to be licensed under this Act, shall recommend or suggest to any person, whose bond has been posted by such person, the name of any particular attorney or firm of attorneys for employment in connection with such criminal offense.

(2) No person making a bond as a surety for a principal shall surrender such principal unless he shall make affidavit of surrender and file it with a district or county clerk, which affidavit shall state:

(A) the date the bond was made; and

(B) the reason for the surrender.

If the reason for surrender is deemed not sufficiently justified by the principal, the principal or his representative, or any attorney representing the state may bring the matter to the attention of the court wherein the accusation against the principal lies.

If the court determines that the person having surrendered the principal did so without reasonable cause, the court may order that all or a part of the fees paid as a condition for making the bond shall be returned to the principal. The mere fact that the surrender was without reasonable cause shall not of itself constitute grounds for suspension or revocation of a license; but surrendering a principal without filing the affidavit herein required forthwith shall constitute such grounds, or shall constitute an offense subject to the penalties provided in Section 16(h) of this Act.

(3) No person licensed under this Act shall be allowed within the interior of any building or within the perimeter of 200 feet surrounding any building, or any portion thereof, with the intent to solicit the making of any bond, where persons accused of crime are questioned, processed, or confined.

Sec. 16. Acts Subject to Fine and Imprisonment; Remittance. (a) Any person whose bond has been executed who jumps bail shall be guilty of a felony and upon conviction by a court of competent jurisdiction he shall be punished by imprisonment in the penitentiary for not more than two years, or fined not less than \$500 nor more than \$3,000.

(b) In each instance where a bail-jumping principal has been rearrested and returned to the county wherein his bond was made within a two-year period from the date of payment of the final judgment on the bond forfeiture the surety thereon may file a motion of remittance in the court commanding the appearance of the principal, and the court shall order at least 75 percent of the amount paid on the judgment remitted.

(c) It shall be a complete defense to the accusation of bail jumping as defined herein, that the accused is acquitted of the alleged offense for which the bond was executed.

(d) Any person who shall wilfully fail or neglect to obey, observe, or comply with any lawful order, permit, decision, demand, or requirement of the board under this Act as herein provided shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not more than \$500.

(e) No licensee, or his agent, by any means shall recommend or suggest to any person for whom he has made bond, the name of any attorney or firm of attorneys at law, for employment in connection with any criminal accusation for which such bond was made.

(f) No peace officer or his deputies or employees, or clerk or deputy clerks of any court or courts, shall recommend to any person or persons, family of such person or persons, friends, relatives, or employers thereof, any bondsman at any time. Provided that in all places where prisoners are examined, processed, or confined, a list of licensed bondsmen of the county wherein that place may lie, may be displayed.

(g) No person shall advertise that he is a bondsman before receiving a license under this Act.

(h) Any person guilty of a violation of subsections (d), (e), (f), or (g) of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500.

Sec. 17. Severability Clause and Voidance. If any section, subsection, or requirement of this Act, shall for any reason be adjudged to be unconstitutional, such adjudication shall not affect the validity of the remaining portions of said Act. The Legislature hereby declares that it would have passed the Act and each section, subsection, and requirement thereof irrespective of the fact that any one or more sections, subsections, or requirements be declared unconstitutional. All statutes in conflict herewith are declared void.

Sec. 18. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Committee Amendment No. 2

Amend HB 462, First Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act defining and regulating the business of giving bond in criminal and quasi-criminal cases, actions, or proceedings; providing for the licensing of persons or corporations who engage in that business; providing for administration of the Act by county boards in certain counties and by a state board in all other counties; providing for

licensing fees; prescribing certain offenses and setting penalties; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 462, as amended, was passed to engrossment.

#### HB 1780 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1780, Permitting certain hospital districts to adopt their own tax rolls.

The bill was read second time.

Mr. Cates offered the following amendment to the bill:

Amend HB 1780 by striking out the words "on all property subject to taxation," as they appear in the third sentence in Section 1, and inserting in lieu thereof the following language:

"upon all taxable property situated within the district, subject to hospital district taxation"

The amendment was adopted without objection.

HB 1780, as amended, was passed to engrossment.

#### HB 1422 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1422, Relating to the employees of the Texas Animal Health Commission.

The bill was read second time.

Mr. Tom Holmes offered the following committee amendment to the bill:

##### Committee Amendment No. 1

Strike all below the enacting clause and insert in lieu thereof the following:

Section 1. Section 23, Chapter 52, Acts of the 41st Legislature, 1st Called Session 1929 (Article 1525b, Vernon's Texas Penal Code) is amended to read as follows:

"Section 23. The Texas Animal Health Commission is hereby authorized to employ an executive director, a chief veterinarian, a first assistant director and as many assistant veterinarians as may be necessary; also, such other persons as may be necessary for the enforcement of the provisions of this Act, and other Texas Animal Health Commission Acts; also, clerks, stenographers, chief clerk and all necessary clerical help. The

Executive Director shall be in charge of all personnel within the employment of the commission."

Section 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Doran offered the following amendment to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to HB 1422 by striking the last sentence of Section 1, Quoted Section 23.

The amendment was adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

HB 1422, as amended, was passed to engrossment.

#### HB 1067 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1067, Creating an Office of Information Services.

The bill was read second time.

Mr. Hull offered the following amendments to the bill:

Amend HB 1067 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. There is hereby created a Legislative Data Processing Committee which shall be composed of three Members of the House of Representatives to be appointed by the Speaker of the House of Representatives and three Members of the Senate to be appointed by the Lieutenant Governor. The Members selected shall have served as members of the Appropriations Committee of the House of Representatives and Senate Finance Committee of the Senate immediately preceding their selection. The members of said Committee shall receive no compensation for the services performed under the provisions of this Act, but each shall receive his actual and necessary expenses incurred in the discharge of his duties as a member. The Committee may employ such personnel as it may need within the limits of the appropriations made for such purpose.

"The Committee, within ten (10) days from the passage of this Act, shall meet and organize by electing one (1) member of said Committee, chairman; and another member of said Committee, secretary. In voting on any question which this Act requires the Legislative Audit Committee to decide, if the full Committee is present and there is a tie vote,



and the Committee cannot secure, within a reasonable time, a majority vote either for or against the proposition under consideration, then the Committee shall agree on a seventh Member, selected from the Membership of either the House or the Senate, and the Member so selected shall meet with the Committee and shall vote on the proposition under consideration. When he has voted and the proposition has been decided, his duties as a member of such Committee shall end.

"Sec. 2. Such Committee, or the majority of the membership thereof, shall appoint a director who shall be a person qualified by training and experience to perform the duties of his office. The director shall serve at the pleasure of the Committee and until the appointment of the director's successor. The salary of the director shall be fixed by the Committee. The director shall be accountable only to the Committee. The chairman of the Committee shall approve all items of expense of the Committee, prior to payment thereof.

"The director shall:

"(1) Employ such personnel as may be deemed necessary by the Committee, and the salaries of such employees shall be fixed by the Committee.

"(2) Cause to be maintained comprehensive current information relating to all automatic data processing systems, which term is hereby defined to encompass all computerized and auxiliary automated information handling, including systems analysis and design, conversion of data, computer programming, information storage and retrieval, data transmission, requisite system controls, simulation and all the related man-machine interaction.

"(3) Advise and make appropriate recommendations to the Committee as to the economic feasibility of all agency data processing plans, system designs, application, requests for proposal, vendor and consultant selection, interagency agreements, purchase estimates, contracts and agency budgets to insure elimination of duplication and that maximum utilization is achieved.

"(4) Perform operational audits in relation to funds appropriated to state agencies for data processing systems and to prepare written reports of such audits for the Committee.

"(5) Prepare a report for the Committee's submission to the Governor and Members of the Legislature at the convening of each regular session of the Legislature outlining recommendations for the orderly development of data processing systems within state government.

"Sec. 3. It shall be the duty of each state agency to cooperate fully with the Committee to provide full and accurate information of current or planned use of automatic data processing equipment, systems and staff, and to make available all other information the Committee may deem necessary for complete and accurate evaluation of automatic data processing by state agencies. The Committee shall have access at all times to all of the books, accounts, reports, confidential or otherwise, vouchers, or other records of information in any state office, department, board, bureau or institution of this state.

"Sec. 4. The amounts of allowable expenditures by the Committee shall be as determined and provided for in the general biennial appropriation bill or in any bill hereafter passed making appropriations to pay salaries of legislative employees and/or expenses of the Legislature.

"Sec. 5. This Act shall be effective from and after September 1, 1971."

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and the Rule is hereby suspended; and that this Act take effect and be in force as provided herein, and it is so enacted.

Signed: Hull and Clayton

Amend HB 1067 by striking all above the enacting clause and substituting in lieu thereof the following:

A bill to be entitled An Act relating to automatic data processing systems for the state; providing for the establishment of the Legislative Data Processing Committee; providing for the appointment of a director; prescribing the qualifications, duties and authority of the Director and providing for his compensation; providing for the payment of expenses; providing an effective date; and declaring an emergency.

The amendments were severally adopted without objection.

HB 1067, as amended, was passed to engrossment.

#### VOTE RECORDED

Mr. Patterson requested to be recorded as voting Nay on the passage to engrossment of HB 1067.

#### HB 426 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 426, Prohibiting certain activities relating to the counterfeiting or forging out-of-state drivers' licenses, etc.

The bill was read second time and was passed to engrossment.

#### HB 1605 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1605, Relating to the use of the county available school fund and eligibility for minimum foundation school program funds in certain counties.

The bill was read second time and was passed to engrossment.

## HB 1812 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1812, Authorizing the County of Goliad to convey title to the surface of certain lands to the Parks and Wildlife Department and the Parks and Wildlife Department to accept title on behalf of the State of Texas, etc.

The bill was read second time and was passed to engrossment.

## HB 1811 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1811, Making the General Ignacio Zaragoza Historical Site a part of Goliad State Park.

The bill was read second time and was passed to engrossment.

## HB 78 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 78, Making it illegal to willfully and maliciously change, alter, or delete any portion of certain public documents for use in a political campaign for public office.

The bill was read second time and was passed to engrossment.

## HB 1267 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1267, Authorizing the board of managers to convey, in certain manner, unneeded real estate back to the city or county which had conveyed land to the district for district purposes upon creation of the hospital district.

The bill was read second time and was passed to engrossment.

## HB 1606 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1606, Relating to credit for average daily attendance of students at certain county-wide schools in certain counties.

The bill was read second time and was passed to engrossment.

## HB 680 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 680, Relating to the cancellation of contracts between insurance companies writing fire and casualty insurance and agents for the appointment of the agent as the representative of the company.

The bill was read second time.

Mr. Grant Jones offered the following committee amendments to the bill:

**Committee Amendment No. 1**

Amend HB 680, First Printing, by striking the word "No" at the beginning of Section 1. (a), line 18 and substituting in lieu thereof the following:

"After an agency contract has been in effect for a period of 2 years an".

**Committee Amendment No. 2**

Amend HB 680, First Printing, by striking the figure \$5,000.00 as it appears on line 45 and substituting in lieu thereof the figure \$1,000.00

The committee amendments were severally adopted without objection.

Mr. Grant Jones offered the following amendments to the bill:

Amend HB 680, Second Printing, by changing the period at the end of Section 3 to a semicolon and adding the following:

"nor to the termination of agents where the policies and the insurance business is owned by the company and not by the agent."

Amend HB 680, Second Printing, by adding the word "not" between the words "may" and "terminate" on line 19.

The amendments were severally adopted without objection.

HB 680, as amended, was passed to engrossment.

**VOTE RECORDED**

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 680.

**HB 1771 ON SECOND READING**

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1771, Relating to the salaries of county officers and employees in certain counties.

The bill was read second time and was passed to engrossment.

**HB 1799 ON SECOND READING**

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1799, Excluding Eagle Pass from Maverick County Water Control and Improvement District.

The bill was read second time.

Mr. Doran offered the following amendment to the bill:

Amend HB 1799 by adding a new paragraph at the end of Section 3 to read as follows:

"Until the bonds and other evidences of indebtedness payable from taxation and outstanding on the effective date of this act have been paid, the District shall continue to charge and collect the present land assessment of not less than Two Dollars (\$2.00) per acre per annum to apply toward the payment of principal and interest on such outstanding bonds or other evidence of indebtedness."

The amendment was adopted without objection.

HB 1799, as amended, was passed to engrossment.

#### COMMITTEE MEETING

Mr. Burgess asked unanimous consent of the House that the Committee on Highways and Roads be permitted to meet at this time.

There was no objection offered.

#### CONSIDERATION OF LOCAL AND CONSENT CALENDAR OF BILLS—(continued)

##### HB 1195 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1195, Increasing shorthand reporters salary for the 42nd and 104th Judicial Districts.

The bill was read second time.

Mr. Kaster offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1195, First House Printing, by striking the words "less than \$5,000 nor" in line 20 and by striking the words "less than \$5,000 nor" in lines 24-25.

The committee amendment was adopted without objection.

HB 1195, as amended, was passed to engrossment.

##### HB 1850 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1850, Raising salary of certain county officials in counties with a population between 74,700 and 75,699.

The bill was read second time and was passed to engrossment.

#### HB 1649 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1649, Relating to defining certain dangerous drugs; making it illegal to possess such drugs; increasing certain penalties for first possession, etc.

The bill was read second time.

Mr. Uher offered the following committee amendments to the bill:

#### Committee Amendment No. 1

Amend HB 1649 by striking all below the enacting clause and substituting the following:

Section 1. Section 2, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code), is amended to read as follows:

"Section 2. For the purposes of this Act:

"(a) The term 'dangerous drug' means any drug or device unsafe for self-medication, except preparations of drugs defined in Subdivisions (a)(6), (a)(7), (a)(9), and (a)(10) hereof, designed for the purpose of feeding or treating animals (other than man) or poultry, and so labeled, and includes the following:

"(1) Any barbiturate or its compounds, mixtures or preparations. Barbiturate includes barbituric acid derivatives or any salt of a derivative of barbituric acid.

"(2) Amphetamine, its salts, isomers, and salts of its isomers, including but not limited to the following: methamphetamine, its salts, isomers and salts of isomers, or compounds or mixtures thereof.

"(3) Hallucinogens, including but not limited to the following: lysergic acid; lysergic acid diethylamide; LSD-25; LSD; lysergic acid amide; 2, 5-Dimethoxy-4-methylamphetamine; 2, 5-Dimethoxyamphetamine; 3, 4-methylenedioxy amphetamine; 5-methoxy-3, 4-methylenedioxy amphetamine; 3, 4, 5-trimethoxy amphetamine; dimethyltryptamine; diethyltryptamine; dipropyltryptamine; psilocybin; psilocyn; phenacyclidine; ibogaine; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl benzilate; bufotenine; peyote, mescaline; and their salts and derivatives, or any compounds, mixtures or preparations which are chemically identical with such substances; provided, however, that the provisions of this subdivision shall not apply to unharvested peyote growing in its natural state. The listing of peyote in this subparagraph does not apply to its use in bona fide religious ceremonies of the Native American Church; however, persons who supply the produce to the church are required to register and maintain appropriate records of receipts and disbursements of the article in accordance with regulations promulgated by the State Board of Pharmacy. The State Board of Pharmacy may likewise cancel, suspend or revoke such registration for violations of this Act. The exemption granted hereunder to members of

the Native American Church shall have no application to any member thereof with less than twenty-five (25%) Indian blood.

"(4) Hypnotic drugs to include but not limited to the following: chloral, paraldehyde, ethchlorvynol, sulfonmethane derivatives, or any other compounds or mixtures or preparations that may be used for producing hypnotic effects.

"(5) Aminopyrine, or compounds or mixtures thereof.

"(6) Cantharidin or a compound related structurally to cantharidin; or cinchophen, neocinchophen, or compounds or mixtures thereof.

"(7) Diethylstilbestrol, or compounds or mixtures thereof.

"(8) Ergot, cotton root, or their contained or derived active compounds or mixtures thereof.

"(9) Oils of croton, rue, savin or tansy or their contained or derived compounds or mixtures thereof.

"(10) Sulfanilamide or substituted sulfanilamides, or compounds or mixtures thereof, except preparations for topical application only containing not more than five percent (5%) strength.

"(11) Thyroid and its contained or derived active compounds or mixtures thereof.

"(12) Phenylhydantoin derivatives.

"(13) Thallium or any compound thereof.

"(14) Meprobamate, or compounds or mixtures thereof.

"(15) Tranquilizers including, but not limited to, chlorpromazine, diazepam, chlordiazepoxide, promazine, reserpine or compounds or mixtures thereof when listed as controlled dangerous substances under the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, 91st Congress, H. R. 18583.

"(16) Phenmetrazine, its salts, derivatives, or compounds or mixtures thereof.

"(17) Methylphenidate, its salts, derivatives, or compounds or mixtures thereof.

"(18) Glutethimide, its salts, derivatives, or compounds or mixtures thereof.

"(19) Procaine, its salts, derivatives, or compounds or mixtures thereof except ointments and creams for topical application containing not more than two and one-half percent (2½%) strength.

"(20) Any drug or preparation that has been defined as a dangerous drug by the State Board of Pharmacy, as set out in Section 16 herein.

"(21) Any drug or device which bears the legend: Caution: federal law prohibits dispensing without prescription, or the legend: Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian.

"(b) The term 'delivery' means sale, dispensing, giving away, or supplying in any other manner.

"(c) The term 'patient' means, as the case may be:

"(1) The individual for whom a dangerous drug is prescribed or to whom a dangerous drug is administered; or

"(2) The owner or the agent of the owner of the animal for which a dangerous drug is prescribed or to which a dangerous drug is administered.

"(d) The term 'person' includes individual, corporation, partnership, and association.

"(e) The term 'practitioner' means a person licensed by the State Board of Medical Examiners, State Board of Dental Examiners, State Board of Chiropractic Examiners, and State Board of Veterinary Medical Examiners to prescribe and administer dangerous drugs.

"(f) The term 'pharmacist' shall mean a person licensed by the State Board of Pharmacy to practice the profession of pharmacy and to prepare, compound, and dispense physicians' prescriptions, drugs, medicines, and poisons.

"(g) The term 'prescription' means a written order, and in cases of emergency, a telephonic order, by a practitioner to a pharmacist for a dangerous drug for a particular patient, which specifies the date of its issue, the name and address of the patient (and, if such dangerous drug is prescribed for an animal, the species of such animal), the name and quantity of the dangerous drug prescribed, and the directions for use of such drug.

"(h) The term 'manufacturer' means persons other than pharmacists who manufacture dangerous drugs, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process.

"(i) The term 'wholesaler' means persons engaged in the business of distributing dangerous drugs to persons included in any of the classes named in Subdivisions (1) to (6) inclusive of Section 4.

"(j) The term 'warehouseman' means persons who store dangerous drugs for others and who have no control over the disposition of such dangerous drugs except for the purpose of such storage.

"(k) The term 'Board' means Texas State Board of Pharmacy."

Sec. 2. Section 4, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code), is amended to read as follows:



"Section 4. With the exception of drugs described in Section 2(a)(3), the provisions of paragraphs (a), (d), and (h) of Section 3 shall not be applicable:

"(a) As to the delivery of dangerous drugs to persons included in any of the classes hereinafter named, or to the agents or employees of such persons, for use in the usual course of their business or practice or in the performance of their official duties, as the case may be; or

"(b) To the possession of dangerous drugs by such persons or their agents or employees for such use:

"(1) Pharmacy, drug store, dispensary, apothecary shop, or prescription laboratory, duly registered with the State Board of Pharmacy;

"(2) Practitioners;

"(3) Persons who procure dangerous drugs for disposition by or under the supervision of pharmacists or practitioners employed by them; or for the purpose of lawful research, teaching, or testing, and not for resale;

"(4) Hospitals which procure dangerous drugs for lawful administration by practitioners;

"(5) Officers or employees of federal, state, or local government;

"(6) Manufacturers and Wholesalers;

"(7) Carriers and Warehousemen."

Sec. 3. Section 3, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code), is amended to read as follows:

"Section 3. The following acts, the failure to act as hereinafter set forth, and the causing of any such act or failure are hereby declared unlawful, except as provided in Section 4:

"(a) The delivery of any dangerous drug unless:

"(1) Such dangerous drug is delivered by a pharmacist, upon an original prescription, and there is affixed to the immediate container in which such drug is delivered a label bearing the name and address of the owner of the establishment from which such drug was delivered; the date on which the prescription for such drug was filled; the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription; the name of the practitioner who prescribed such drug; the name and address of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal; and the directions for use of the drug as contained in the prescription; or

"(2) Such dangerous drug is delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered bears a label on which appears the directions for use of such drug, the name and address of such practitioner, the name and address of the

patient, and, if such drug is prescribed for an animal, a statement showing the species of the animal.

"(b) The refilling of any prescription for a dangerous drug, unless and as designated on the prescription by the practitioner, or through authorization by the practitioner at the time of refilling.

"(c) The delivery of a dangerous drug upon prescription unless the pharmacist who filled such prescription files and retains it as required in Section 6.

"(d) The possession of a barbiturate or hypnotic drug, as well as those drugs set forth in Section 2(a) hereof, by any person unless such person obtained the drug under the specific provision of Section 3(a)(1) and (2) of this Act and possesses the drug in the container in which it was delivered to him by the pharmacist or practitioner selling or dispensing the same; and any other possession of a barbiturate or hypnotic drug; as well as those drugs set forth in Section 2(a) hereof, shall be prima facie evidence of illegal possession.

"(e) The refusal to make available and to accord full opportunity to check any record or file as required by Section 6 and Section 7.

"(f) The failure to keep records as required by Section 5 and Section 7.

"(g) The using of any person to his own advantage, or revealing, other than to an officer or employee of the State Board of Pharmacy, or to a court when relevant in a judicial proceeding under this Act, any information required under the authority of Section 6, concerning any method or process which as a trade secret is entitled to protection.

"(h) For any person at any time to have, or possess, a hypodermic syringe, needle, or any instrument adapted for the use of dangerous drugs by subcutaneous injections in a human being and which is possessed for that purpose, unless such possession is for the purpose of subcutaneous injections of a drug, or drugs, or medicine, the use of which is authorized by the direction of a licensed physician.

"(i) Except as otherwise provided in this Act, the possession for sale of any dangerous drug defined in this Act."

Sec. 4. Section 15, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code), is amended to read as follows:

"Section 15. (a) Any person possessing in violation of Section 3 of this Act any dangerous drug defined in Section 2(a) of this Act, except those defined in Section 2(a)(3), shall be fined an amount not to exceed Three Thousand Dollars (\$3,000) or confined in jail for a period of not less than thirty (30) days nor more than two (2) years or by both such fine and imprisonment. For any second or subsequent violation, any person shall be guilty of a felony and shall be confined in the penitentiary not less than two (2) years nor more than ten (10) years.

"(b) Any person possessing in violation of Section 3 of this Act any dangerous drug defined in Section 2(a)(3) of this Act shall be guilty of

a felony and shall be confined in the penitentiary not less than two (2) years nor more than ten (10) years.

"(c) Any person who possesses for sale any dangerous drug in violation of Section 3 of this Act shall be guilty of a felony and shall be confined in the penitentiary for not less than two (2) years nor more than ten (10) years.

"(d) Any person who sells or delivers in violation of this Act any dangerous drug defined in this Act, shall be guilty of a felony and upon conviction is punishable by confinement in the penitentiary for not less than two (2) nor more than ten (10) years.

"(e) Any person violating any other provision of this Act not set out in Subsection (a) or (b) or this section shall be fined an amount not exceeding Three Thousand Dollars (\$3,000) or confined in jail for a period of not less than thirty (30) days nor more than two (2) years, or by both such fine and imprisonment. For any second or subsequent violation any person shall be guilty of a felony and shall be confined in the penitentiary not less than two (2) years nor more than ten (10) years.

"(f) Any person over twenty-one (21) years of age who hires, employs, or uses a person under twenty-one (21) years of age in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any dangerous drug, or who unlawfully sells, gives, furnishes, administers, or offers to sell, give, furnish or administer any dangerous drug to a person under twenty-one (21) years of age shall, upon conviction, be punished by confinement in the penitentiary for life or for any term of years not less than ten (10).

"(g) Any person not authorized by this Act or Federal law who manufactures any dangerous drug shall be fined an amount not less than One Thousand Dollars (\$1,000) nor more than Five Thousand Dollars (\$5,000) or confined in jail for a period of not less than six (6) months nor more than two (2) years or by both such fine and imprisonment.

"(h) Any person who possesses both methylamine and phenylacetone at the same time to manufacture methamphetamine shall be guilty of a felony and shall be confined in the penitentiary not less than one (1) year nor more than five (5) years, provided, however, no manufacturer licensed or registered by the state or persons authorized by regulation of the State Board of Pharmacy to possess both methylamine and phenylacetone shall be covered by this section if such Board, by regulation, shall have authorized such person to possess such drugs."

Sec. 5. If a portion or provision of this Act be held unconstitutional, the validity of the remaining provisions shall not be affected thereby and for this purpose the Legislature declares this Act to be severable.

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

## Committee Amendment No. 2

Amend HB 1649 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the definition of dangerous drugs; making certain acts related to dangerous drugs a crime; and providing penalties for certain acts related to dangerous drugs; amending Sections 2, 3, 4, and 15, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code); providing for severability; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1649, as amended, was passed to engrossment.

## HB 1840 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1840, Relating to the interest rate on bonds of the San Patricio Municipal Water District.

The bill was read second time.

Mr. Baker offered the following committee amendment to the bill:

## Committee Amendment No. 1

Amend HB 1840, as introduced, as follows:

(1) Delete the phrase "ten (10%)" on line 30 of page 1 and on line 9 of page 2 and insert the phrase "eight (8%)".

(2) Delete the sentence, "Such bonds may be sold at not less than ninety percent (90%) of their par value." on lines 9 through 11 of page 2.

The committee amendment was adopted without objection.

HB 1840, as amended, was passed to engrossment.

## HB 1062 ON SECOND READING

The Chair laid before the House on its second reading and passage to engrossment,

HB 1062, Relating to salaries of assistant school superintendents in certain counties.

The bill was read second time.

Mr. Howard offered the following committee amendments to the bill:

## Committee Amendment No. 1

Amend HB 1062 by striking all below the enacting clause and substituting the following:

Section 1. Subsection (a), Section 17.52, Texas Education Code, is amended to read as follows:

"(a) The office budget for an appointive or elective county superintendent may include the following items:

"(1) Employment of a competent assistant with approval and confirmation of the county school trustees or county board of education. In counties with a total population equaling or fewer than 100,000, according to the last federal census, the annual salary of such assistant shall not exceed \$6,000. In counties with a total population greater than 100,000, according to the last federal census, the annual salary of such assistant shall not exceed \$6,500.

"(2) Employment of such other assistants as may be necessary, provided that the total sum of all salaries of all assistants to the county superintendent does not exceed annually \$13,000 in counties having a total population equaling or fewer than 100,000, nor \$13,500 in counties having a total population greater than 100,000."

Sec. 2. Section 17.54, Texas Education Code, is amended to read as follows:

"Section 17.54. Supervisor. Whenever a supervisor is assigned a position under the county superintendent, as provided in Section 16.17 of this code, the office and travel expenses of such supervisor may be included in the office budget of the county superintendent. Such expenses shall be in addition to the budget maximums set out above in Sections 17.52(b) and 17.53(2), but shall not exceed \$50 per month per supervisor. This budget item is limited to a ten-month basis."

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### Committee Amendment No. 2

Amend HB 1062 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the salary of assistant county school superintendents and the office and travel expenses of supervisors assigned positions under county superintendents; amending Subsection (a), Section 17.52 and Section 17.54, Texas Education Code; and declaring an emergency.

The committee amendments were severally adopted without objection.

HB 1062, as amended, was passed to engrossment.

#### HB 1827 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1827, Relating to the salary of the shorthand reporter in the 155th Judicial District.

The bill was read second time.

Mr. Kaster offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1827 by striking the words "less than \$6,600 per annum, nor" in lines 21-22 of First House Printing.

The committee amendment was adopted without objection.

HB 1827, as amended, was passed to engrossment.

#### HB 1319 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1319, Relating to certain standards for buildings and facilities constructed in the state, county, etc., by use of state, county, etc., funds and their accessibility to, and usability by, the physically handicapped.

The bill was read second time and was passed to engrossment.

#### HB 1225 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1225, Permitting time spent in the armed services to be credited to a judge as time spent in judicial service.

The bill was read second time.

Mr. Nabers offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 1225 by striking Section 2 a and substituting in lieu thereof the following:

"2 a. The time served in the armed forces of the United States Government during the time of war by any Judge coming within the purview of this Statute shall be credited to the length of judicial service, provided, however a person may not claim more than three (3) years military service for credit to his judicial service."

The committee amendment was adopted without objection.

HB 1225, as amended, was passed to engrossment.

#### VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to engrossment of HB 1225.

SB 835 ON SECOND READING  
(Mr. Cavness—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 835, Relating to the development of water quality management plans for the state and for designated areas of the state.

The bill was read second time.

Mr. Cavness offered the following amendments to the bill:

Amend SB 835, House First Printing, by striking all below the enacting clause and substituting the following:

Section 1. Section 3.22 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3.22. Private Sewage Facilities. (a) As used in this section, 'private sewage facilities' means septic tanks, pit privies, cesspools, sewage holding tanks, injection wells used to dispose of sewage, chemical toilets, treatment tanks, and all other facilities, systems and methods used for the disposal of sewage other than disposal systems operated under a permit issued by the board.

"(b) Whenever it appears that the use of private sewage facilities in an area is causing or may cause pollution, or is injuring or may injure the public health, the board may hold a public hearing in or near the area to determine whether an order should be entered controlling or prohibiting the installation or use of private sewage facilities in the area. Before entering such an order, the board shall consult with the State Commissioner of Health for recommendations concerning the impact of the use of private sewage facilities in the area on public health. If the board finds after the hearing that the use of private sewage facilities in an area is causing or may cause pollution, or is injuring or may injure the public health, the board may enter an order adopting such regulations on private sewage facilities as it may consider appropriate to abate or prevent pollution or injury to public health.

"(c) The regulations so ordered may, without limitation, do one or more of the following:

"(1) limit the number and kind of private sewage facilities which may be used in the area;

"(2) prohibit the installation and use of additional private sewage facilities or kinds of private sewage facilities in the area;

"(3) require modifications or improvements to existing private sewage facilities or impose limitations on their use; and

"(4) provide for a gradual and systematic reduction of the number of kinds of private sewage facilities in the area.

"(d) The board may provide in the regulations for a system of licensing of private sewage facilities in the area, including procedures for cancellation of a license for violation of this Act, the license, or the orders or regulations of the board. The board may also provide in the system of licensing for periodic renewal of the licenses; but this may not be required more frequently than once a year. The board may delegate the licensing function and the administration of the licensing system to the executive director or to any local government whose boundaries include the area or which has been designated by the board under Section 3.29 of this Act as the agency to develop a regional waste disposal system which includes the area. The board also may prescribe and require the payment of reasonable license fees by an applicant for a license, including fees for periodic renewal of a license. The board may change the amount of the license fees from time to time. The amount of the fees shall be based on the reasonable cost of performing the licensing function and administering the licensing system, including, where applicable, costs of soil percolation and other tests to determine the suitability of using a particular type or types of private sewage facilities in the area or at any location within the area, field inspections, travel, and other costs directly attributable to performing the licensing function and administering the licensing system. If the board or the executive director has the responsibility for performing the licensing function, the license fees shall be paid to the board; those fees shall not be deposited in the general revenue fund of the state, but shall be deposited in a special fund for use by the board in performing the licensing function and administering the licensing system, and the fees so deposited are hereby appropriated to the board to use for those purposes only. If a local government has the responsibility for performing the licensing function, the fees shall be paid to the local government.

"(e) Whenever it appears to the commissioners court of any county that the use of private sewage facilities in an area within the county is causing or may cause pollution, or is injuring or may injure the public health, the county may proceed in the same manner and in accordance with the same procedures as the board to hold a public hearing and enter an order, resolution or other regulation as it may consider appropriate to abate or prevent pollution or injury to public health. The order, resolution, or other regulation may provide the same restrictions and requirements as are authorized for an order of the board entered under this section. Before the order, resolution, or other regulation becomes effective, the county shall submit it to the board and obtain the board's written approval. In the event of any conflict within an area between an order adopted by the board and an order, resolution, or other regulation adopted by a county under this section, the order of the board shall take precedence.

"(f) Where a system of licensing has been ordered by the board or the commissioners court of a county, no person may install or use private sewage facilities required to be licensed thereunder without obtaining such a license."

Sec. 2. Sections 3.26, 3.27, and 3.28 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 3.26. Water Quality Management Plans. (a) The board may develop and prepare, and from time to time revise, comprehensive water quality management plans for the different areas of the state, as designated by the board.



"(b) The board may contract with local governments, regional planning commissions, planning agencies, other state agencies, colleges and universities in the state, and any other qualified and competent person to assist the board in developing and preparing, and from time to time revising, water quality management plans for areas designated by the board.

"(c) With funds provided for the purpose by legislative appropriation, the board may make grants or interest-free loans to, or contract with, local governments, regional planning commissions, and planning agencies to pay administrative and other expenses of such entities for developing and preparing, and from time to time revising, water quality management plans for areas designated by the board. The period of time for which funding under this provision may be provided for developing and preparing, or for revising, a plan may not exceed three consecutive years in each instance. Any loan made pursuant to this subsection shall be repaid when the construction of any project included in the plan is begun.

"(d) Any person developing or revising a plan shall, during the course of the work, consult with the board, and with local governments and other federal, state, and local governmental agencies which in the judgment of the board or the executive director may be affected by or have a legitimate interest in the plan.

"(e) Insofar as may be practical, the water quality management plans shall be reasonably compatible with the other governmental plans for the area, such as area or regional transportation, public utility, zoning, public education, recreation, housing, and other related development plans.

"Section 3.27. Approval of Plans. (a) After a water quality management plan has been prepared or significantly revised, as authorized in Section 3.26 of this Act, it shall be submitted to the board and to such local governments and other federal, state, and local governmental agencies as in the judgment of the board or the executive director may be affected by or have a legitimate interest in the plan.

"(b) After a reasonable period of time as determined by the board for the persons to whom the plan was submitted to review and consult on the plan, a public hearing shall be held on whether the plan should be approved or whether the plan should be modified in any way. Notice of the hearing shall be given to the person or persons who prepared or revised the plan and to the persons to whom the plan was submitted for review.

"(c) After the public hearing if the board finds that the plan complies with the policy and purpose of this Act and the rules and policies of the board, it shall approve the plan. If the board does not so find, it may disapprove the plan, modify the plan as necessary so that it will comply, or return it for further development and later resubmission to the board, in accordance with the procedure in Section 3.26 and this section.

"(d) When a water quality management plan has been approved as provided in this section, the plan may be furnished to the Federal Environmental Protection Agency, the Federal Water Quality Administration, or any other federal official or agency in fulfillment of any federal water quality management planning requirement specified for any purpose by the federal government.

"(e) The board may use an approved water quality management plan,

or a plan in progress but not completed or approved, in reviewing and making determinations on applications for permits and on applications for financial assistance for construction of treatment works.

"Section 3.28. Fiscal Control on Water Quality Management Planning. In administering the program for making grants and loans to and contracting with local governments, regional planning commissions, and planning agencies, as authorized in Subsection (c) of Section 3.26 of this Act, the board shall adopt rules and procedures for the necessary engineering review and supervision, fiscal control, and fund accounting. The fiscal control and fund accounting procedures are supplemental to other procedures prescribed by law."

Sec. 3. Section 5.05 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5.05. Cooperative Agreements. (a) A local government may execute cooperative agreements with the board or other local governments:

"(1) to provide for the performance of water quality management, inspection, and enforcement functions and to provide technical aid and educational services to any party to the agreement; and

"(2) for the transfer of money or property from any party to the agreement to another party to the agreement for the purpose of water quality management, inspection, enforcement, technical aid and education, and the construction, ownership, purchase, maintenance, and operation of disposal systems.

"(b) Whenever in the opinion of the board it would facilitate and enhance the performance by a local government of its water quality management, inspection, and enforcement functions pursuant to a cooperative agreement between the local government and the board, as authorized in Subsection (a) of this section, the board may assign and delegate to the local government during the period of the agreement such of the pertinent powers and functions vested in the board under this Act as in the judgment of the board may be necessary or helpful to the local government in performing those management, inspection, and enforcement functions. At any time and from time to time, prior to the termination of the cooperative agreement, the board may modify or rescind any such assignment or delegation. The board shall notify immediately a local government to whom it assigns or delegates any powers and functions pursuant to this subsection or as to when it modifies or rescinds any such assignment or delegation."

Sec. 4. The Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended by adding a new Section 5.06 to Subchapter E to read as follows:

"Section 5.06. Disposal System Rules. (a) Every local government which owns or operates a disposal system is empowered to and shall, except as authorized in Subsection (c) of this section, enact and enforce rules, regulations, ordinances, orders, or resolutions (hereafter in this section referred to as rules) to control and regulate the type, character

and quality of waste which may be discharged to the disposal system and, where necessary, to require pretreatment of waste to be discharged to the system, so as to protect the health and safety of personnel maintaining and operating the disposal system and to prevent unreasonable adverse effects on the disposal system.

"(b) The local government in its rules shall establish the charges and assessments which may be made to and collected from all persons who discharge waste to the disposal system or who have conduits or other facilities for discharging waste connected to the disposal system (hereafter in this subsection referred to as 'users'). The charges and assessments shall be equitable as between all users and shall correspond as near as can be practically determined to the cost of making the waste disposal services available to all users and of treating the waste of each user or class of users. The charges and assessments may include user charges, connection fees, or any other methods of obtaining revenue from the disposal system available to the local government. In establishing the charges and assessments, the local government shall take into account:

"(1) the volume, type, character, and quality of the waste of each user or class of users;

"(2) the techniques of treatment required;

"(3) any capital costs and debt retirement expenses of the disposal system required to be paid for from the charges and assessments;

"(4) the costs of operating and maintaining the system to comply with this Act and the permits, rules and orders of the board; and

"(5) any other costs directly attributable to providing the waste disposal service under standard, accepted cost-accounting practices.

"(c) A local government may apply to the board for an exception from the requirements of Subsections (a) and (b) of this section or for a modification of those requirements. The application shall contain the exception or modifications desired, the reasons the exception or modifications are needed, and the grounds authorized in this subsection on which the board should grant the application. A public hearing on the application shall be held in or near the territorial area of the local government and notice of the hearing shall be given to the local government. If after the hearing the board in its judgment determines that the volume, type, character, and quality of the waste of the users of the system, or of a particular user or class of users of the system, do not warrant the enactment and enforcement of rules containing the requirements prescribed in Subsections (a) and (b) of this section, or that the enactment and enforcement of the rules would be impractical or unreasonably burdensome on the local government in relation to the public benefit to be derived, then the board in its discretion may enter an order granting an exception to those requirements or modifying those requirements in any particular in response to circumstances shown to exist.

"(d) At any time and from time to time, as circumstances may require, the board may amend or revoke any order it enters pursuant to Subsection (c) of this section. Before the board amends or revokes such an order, a public hearing shall be held in or near the territorial area of

the local government in question, and notice of the hearing shall be given to the local government. If after the hearing the board in its judgment determines that the circumstances on which it based the order have changed significantly or no longer exist, the board may revoke the order or amend it in any particular in response to the circumstances then shown to exist.

"(e) In the event of any conflict between the provisions of this section and any other laws or parts of laws, the provisions of this section shall control."

Sec. 5. The Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), is amended by adding a new Section 5.07 to Subchapter E of the Act, to read as follows:

"Section 5.07. Water Pollution Control Duties of Cities.

"(a) Every city in this state having a population of 5,000 or more inhabitants shall, and any city of this state may, establish a water pollution control and abatement program for the city. The city shall employ or retain an adequate number of personnel, on either a part-time or full-time basis as the needs and circumstances of the city may require, who by virtue of their training or experience are qualified to perform the water pollution control and abatement functions required to enable the city to carry out its duties and responsibilities under this section.

"(b) The water pollution control and abatement program of a city shall encompass the entire city and may include areas within its extraterritorial jurisdiction which in the judgment of the city should be included to enable the city to achieve the objectives of the city for the area within its territorial jurisdiction. The city shall include in the program the services and functions which, in the judgment of the city or as may be reasonably required by the board, will provide effective water pollution control and abatement for the city, including the following services and functions:

"(1) the development and maintenance of an inventory of all significant waste discharges into or adjacent to the water within the city and, where the city so elects, within the extraterritorial jurisdiction of the city, without regard to whether or not the discharges are authorized by the board;

"(2) the regular monitoring of all significant waste discharges included in the inventory prepared pursuant to paragraph (1), above;

"(3) the collecting of samples and the conducting of periodic inspections and tests of the waste discharges being monitored to determine whether the discharges are being conducted in compliance with this Act and any applicable permits, orders or regulations of the board, and whether they

Sec. 6. Severability Clause. The provisions of this Act are severable. If any word, phrase, clause, sentence, section, provision or part of this Act should be held to be invalid or unconstitutional, it shall not affect the validity of the remaining portions, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions, regardless of the invalidity of any part.

Sec. 7. Emergency Clause. The importance to the public of the amendments in this Act creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days

in each House be suspended, and the same is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amend SB 835, House First Printing, by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the development of water quality management plans for the state and for designated areas of the state; authorizing the regulation of the disposal of sewage which is disposed of by methods other than by means of disposal systems operated under a permit issued by the Texas Water Quality Board; relating to discharge of waste to disposal systems owned or operated by local governments and providing that section controls over other laws; relating to the delegation of functions and powers by the Texas Water Quality Board to local governments; relating to water pollution control and abatement programs by certain cities; amending Sections 3.22, 3.26, 3.27, and 5.05 of and adding Sections 5.06 and 5.07 to the Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

The amendments were severally adopted without objection.

SB 835, as amended, was passed to third reading.

SB 803 ON SECOND READING  
(Mr. Clayton—House Sponsor)

The Speaker laid before the House, in lieu of HB 1439, on its second reading and passage to third reading,

SB 803, Relating to the authority of cities and counties and navigation districts to issue revenue bonds for the purpose of acquiring property for industrial development purposes, etc.

The bill was read second time.

Mr. Howard offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 803 by striking out all below the enacting clause and inserting the following:

Section 1. This Act may be cited as the "Act for Development of Employment, Industrial and Health Resources of 1971".

Section 2. When used in this Act, unless otherwise apparent from the context:

(a) "City" means any municipality of this state incorporated under the provisions of (i) any general or special law provided the municipality has the power to levy an ad valorem tax of not less than \$1.50 on each \$100 valuation of taxable property therein, or (ii) the home rule amendment to the Constitution.

(b) "Commission" means the Texas Industrial Commission.

(c) "Cost" as applied to a project or medical project means and embraces the cost of acquisition, including the cost of the acquisition of all land, rights-of-way, property rights, easements, and interests acquired for such construction, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of constructing any such project or medical project, administrative expense and such other expense as may be necessary or incident to the acquisition thereof, the financing of such acquisition and the placing of the same in operation.

(d) "County" means a political subdivision of the State of Texas created and established under Article IX, Section 1, of the Constitution of Texas;

(e) "District" means a conservation and reclamation district established under authority of Article XVI, Section 59 or Article III, Section 52 of the Constitution of Texas.

(f) "Governing body" means the board, council, commission or legislative body of the issuer.

(g) "Issuer" means a city, county or district.

(h) "Lessee" means a corporation established under the Texas Non-Profit Corporation Act that incurs a contractual obligation with an issuer as the lessor.

(i) "Medical project" means the land, buildings, equipment, facilities and improvements (one or more) found by the governing body to be required for public health, research, and medical facilities, any one or all, within this state, irrespective of whether in existence or required to be acquired or constructed after the making of such finding by the governing body.

(j) "Project" means the land, buildings, equipment, facilities and improvements (one or more) found by the governing body to be required or suitable for the promotion of industrial development and for use by manufacturing or industrial enterprise, irrespective of whether in existence or required to be acquired or constructed after the making of such finding by the governing body.

(k) "Ultimate lessee" means the person, firm, corporation, or company which leases a project or medical project from a lessee.

Section 3. Bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the state, the issuer or of any other political subdivision or agency of this state or a pledge of the faith and credit of any of them, but such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the state, the issuer or any political subdivision or agency of the state shall be obligated to pay the same or the interest thereon except from revenues of the particular project or medical project for which they are

issued and that neither the faith and credit nor the taxing power of the state, the issuer or any political subdivision or agency thereof is pledged to the payment of the principal of or the interest on such bonds. The issuer shall not be authorized to incur financial obligations which cannot be paid from revenues realized from the lease of a project or medical projects.

Section 4. (a) In addition to any other powers which it may now have, each issuer shall have without any other authority the following powers:

(1) to acquire, whether by construction, purchase, device, gift, or lease or any one or more of such methods, one or more medical projects or projects, located within this state, and within or partially within its limits, provided that as to a city, such project or medical project may be situated outside its territorial limits if within its extraterritorial jurisdiction as provided by the Municipal Annexation Act.

(2) to lease to a lessee any or all of its projects and medical projects for such rentals and upon such terms and conditions as the governing body may deem advisable and as shall not conflict with the provisions of this Act.

(3) to issue revenue bonds for the purpose of defraying all or part of the cost of acquiring or improving any project or medical project, and to secure the payment of such bonds as provided in this Act.

(4) to sell and convey all or any part of any real or personal property acquired as provided by Subdivision (a) of this section, and make such order respecting the same as may be deemed conducive to the best interest of the issuer. No issuer shall have the power to operate any project, as a business or in any manner except as the lessor thereof, nor shall they have any power to acquire any such project, or any part thereof, by the exercise of eminent domain. Land previously acquired by an issuer in the exercise of the power of eminent domain may be sold, leased or otherwise utilized under the provisions of this Act, provided the governing body determines (a) that such use will not interfere with the purpose for which such land was originally acquired or is no longer needed for such purpose, and (b) at least seven years have elapsed since such land was so acquired, and (c) such land was not acquired for park purposes unless such sale or lease of park land has been approved at an election held under authority of Article 1112, Revised Civil Statutes of Texas, 1925, as amended.

Section 5. No issuer shall institute proceedings to authorize bonds under the provisions of Section 6(a) or 6(c) until the Commission has given tentative approval to the suggested contents of the lease agreement, and if a lessee is permitted to sublease, the Commission has also tentatively approved the financial responsibility of the ultimate lessee.

The Commission shall prescribe rules and regulations setting forth minimum standards for lease agreements and guidelines with respect to financial responsibilities of the lessee and ultimate lessee, if any, but in no event shall the Commission give final approval to any agreement unless it affirmatively finds the lessee and ultimate lessee have the business experience, financial resources and responsibility to provide reasonable assurance that all bonds and interest thereon to be paid from or by reason of such agreement will be paid as the same becomes due.

Appeal from any adverse ruling or decision of the Commission under

this Section may be made by an issuer to the District Court of Travis County. The substantial evidence rule shall apply.

Rules, regulations and guidelines promulgated by the Commission, and amendments thereto, shall be effective only after they have been filed with the Secretary of State.

Section 6. (a) Before issuing any bonds hereunder the governing body shall adopt a resolution declaring its intention to do so, stating the amount of bonds proposed to be issued, the purpose for which the bonds are to be issued, and the tentative date upon which the governing body proposes to authorize the issuance of such bonds. Such resolution shall be published once a week for at least two consecutive weeks in at least one newspaper of general circulation in the territorial limits of the issuer. The first publication shall be made not less than 14 days prior to the tentative date fixed in such resolution for the authorization of the bonds. If 10 percent of the qualified electors of the issuer shall file a written protest against the issuance of such bonds on or before the tentative date specified for the authorization of such bonds, then an election on the question of the issuance of such bonds shall be called and held as herein provided.

If no such protest be filed, then such bonds may be issued without an election at any time within a period of two years after the tentative date specified in the resolution; provided however, the governing body of such issuer, in its discretion, may call an election on such question, in which event it shall not be necessary to publish the notice of its intention to issue bonds.

(b) Where an election is called, notice thereof shall be published once a week for at least two consecutive weeks, in at least one newspaper of general circulation within the territorial limits of the issuer. The first publication of such notice shall be made not less than 14 days prior to the date fixed for such election. The election shall be conducted in accordance with the general laws of Texas pertaining to general elections, except as modified by the provisions of this Act. The order calling the election shall specify the date, place or places of holding the election, the presiding judge and alternate judge for each voting place, and shall provide for clerks as provided in the Election Code. Only qualified property taxpaying electors who own taxable property which has been duly rendered for taxation shall be permitted to vote at such election.

The form of ballot shall be in conformity with Sections 61, 62, and 63, Texas Election Code, as amended (Articles 6.05, 6.06, 6.07, Vernon's Texas Election Code), so that ballots provide for voting for or against the proposition: "The issuance of revenue bonds for the (medical project or project)".

Within 10 days after such election is held, or as soon thereafter as possible, the governing body of the issuer shall convene and canvass the returns of the election, and in the event such election results favorably (majority vote) to the proposition such governing body shall so find and declare and shall be (subject to the provisions of Section 5) authorized to proceed with the authorization of bonds.

(c) A series of bonds may be issued for each project or medical project and any of such projects may be combined in a single series of bonds if the governing body, in the exercise of its discretion, deems the



same to be in the best interest of the issuer, but each project or medical project shall be considered separately with respect to the provisions of Sections 5, 6(a), 6(b) and 6(c).

(d) Bonds shall be issued and delivered within three years of the tentative approval of the Commission, or within 3 years of the final judgment in any litigation affecting the validity of the bonds or the provision made for their payment, whichever date is later. Nothing herein shall be construed as prohibiting the Commission from conditioning its approval of the project or medical project upon the completion of the financing thereof within a lesser period of time.

Section 7. Each issuer is hereby authorized to provide by resolution, from time to time, for the issuance of revenue bonds for the purpose of paying all or any part of the cost of acquiring, constructing, enlarging or improving a project or medical project except revenue bonds for a medical project may not be authorized by a district. The principal of and the interest on such bonds shall be payable solely from the funds provided for such payment and from the revenues of the particular project for which such bonds were authorized. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times, not exceeding forty (40) years from their date, as may be determined by the issuer and may be made redeemable before maturity, at the option of the issuer, at such price or prices and under such terms and conditions as may be fixed by the issuer prior to the issuance of the bonds.

The issuer shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within the state. Provision may be made for execution of the bonds and coupons (if any) under the provisions of Article 717j-1, Revised Civil Statutes of Texas, 1925, as amended. In cases where any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. The bonds may be issued in coupon or in registered form, or both, as the issuer may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. If the duty of such reconversion is imposed on the Trustee in a Trust Agreement the substituted coupon bonds need not be reapproved by the Attorney General of Texas, and they shall remain incontestable. The issuer may sell bonds so the net interest cost (as defined in Article 717k-2) shall not exceed 10% per annum and such bonds shall be sold to the highest bidder for cash (not exchanged for property).

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project or medical project for which issued, and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing their issuance or in the trust agreement securing the same. If the proceeds of the bonds of any issue shall exceed the cost of the project or medical project for which the same

shall have been issued, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the issuer may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable or definitive bonds when such bonds shall have been executed and are available for delivery. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the state, and without any other proceedings or the happening of any other conditions or things that those proceedings, conditions or things which are specifically required by this Act.

Before any issuer may deliver any bonds authorized hereunder to the purchaser thereof, the proceedings authorizing their issuance and securing the bonds shall be presented to the Attorney General of Texas for examination and approval. If the bonds shall have been duly authorized in accordance with the Constitution and laws of the state and constitute valid and binding obligations of the Authority, according to their tenor and effect, and proper revenues have been pledged to their payment, he shall approve the bonds. Without such approval the bonds cannot be so issued and delivered to the purchaser. The bonds when approved shall be registered by the Comptroller of Public Accounts of the State of Texas. After such approval and registration the bonds shall be incontestable.

Section 8. An issuer is hereby authorized to provide by resolution for the issuance of its revenue refunding bonds for the purpose of refunding any bonds then outstanding, issued on account of a project or medical project, which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the issuer for the additional purpose of constructing improvements, extensions or enlargements to the project or medical project in connection with which the bonds to be refunded shall have been issued. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the issuer in respect of the same, shall be governed by the provisions of this Act in so far as the same may be applicable. Within the discretion of the issuer the refunding bonds may be issued in exchange for outstanding bonds or may be sold and the proceeds used for the purpose of redeeming outstanding bonds.

Section 9. Any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the issuer and a corporate trustee, which may be any trust company or bank having the powers of a trust company within the state. Any such trust agreement may pledge or assign lease revenues to be received from a lessee or ultimate lessee.

The trust agreement may evidence a pledge of the lease income to be received for the use of any project or medical projects for the payment of principal of and interest on such bonds as the same shall become due and payable and may provide to create and maintain reserves for such purposes. Any such trust agreement or any resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of

the issuer, or lessee in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the project or medical project in connection with which such bonds shall have been authorized, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the issuer. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, any such trust agreement may contain such provisions as the issuer may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of any such trust agreement may be treated as a part of the cost of the operation of the project or medical project.

Section 10. Each bond issued under the provisions of this Act shall contain substantially the following language: "No pecuniary obligation is or may be imposed upon the issuer of this bond in the event there is a failure to pay all or part of the principal or interest thereon, except the issuer is obligated to apply rental income it receives from the project (or medical project) to such purposes".

Any agreement between a lessee and ultimate lessee relating to any project shall be for the benefit of the issuer as shall any agreement between the issuer and the lessee. Any such agreement shall contain a provision that, in the event of a default in the payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings, mortgage, or instrument such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the project in accordance with such resolution, mortgage or instrument.

Any mortgage to secure bonds issued thereunder, may also provide that, in the event of a default in the payment thereof or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Such mortgage may also provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor.

An issuer may grant a lessee or ultimate lessee an option to purchase all or any part of a project or medical project when all bonds of the issuer delivered to provide such facilities have been paid or provision has been made for their final payment, provided during the time the bonds or interest thereon remains unpaid there is no failure to pay the lease rentals at the time and in manner as the same become due, provided a payment shall be deemed paid when and as due if no event of default is declared and the payment is made within 15 calendar days of the date it was scheduled to become due. The provisions of this law are procedurally exclusive for authority to convey or grant an option to purchase, and reference to no other law shall be required.

Section 11. No issuer may acquire or construct any project or medical project for any individual, firm, partnership, or corporation, or make or

permit any lease to any individual, firm, partnership, or corporation where the effect of such lease shall be to remove lessee's business from existing facilities within the State of Texas.

Section 12. Except as limited by the provisions of this law or as limited by the rules, regulations and guidelines of the Commission, each governing body shall have full and complete authority with respect to bonds, lease agreements and the provisions thereof.

No bonds shall be approved by the Attorney General until the Commission has given final approval to the lease agreement, nor shall such bonds be approved if any authorizing proceedings or provisions for security and payment of lease payments are not in conformity with this law.

Section 13. All contracts for construction or purchases involving the expenditure of more than \$2,000 may be made only after advertising in the manner provided by Chapter 163, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 2368a, Vernon's Texas Civil Statutes). The provisions of Article 5160, Revised Civil Statutes of Texas, 1925, as amended, relating to performance and payment bonds, shall apply to construction contracts let by the issuer.

Bonds shall not be issued to acquire existing facilities for the purpose of again leasing the same to the same industrial concern or one controlled by such industrial concern and it shall be the duty of the Commission to investigate such matters before giving its tentative approval of any project or medical project.

Section 14. In carrying out the purposes of this Act, the issuer will be performing an essential public function and any bonds issued by it and their transfer and the issuance therefrom, including any profits made in the sale thereof, shall at all times be free from taxation by the state or any municipality or political subdivision thereof.

Bonds issued under the provisions of this Act, and coupons (if any) representing interest thereon, shall when delivered be deemed and construed (i) to be a "Security" within the meaning of the Uniform Commercial Code—Investment Securities (Chapter 785, Acts of the 60th Legislature, Regular Session, Volume 2, page 2343) and shall be exempt securities under the Texas Securities Act. A lease agreement under this Act shall not be a security within the meaning of the Texas Securities Act.

Section 15. Bonds approved by the Attorney General shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, and guardians, and for any sinking funds of cities, towns, villages, counties, school districts and other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts and other political corporations or subdivisions of the State of Texas, and shall be lawful and sufficient security for said deposits at their face value when accompanied by all unmatured coupons, if any, appurtenant thereto.

Section 16. In the event any city, county, navigation district or other political subdivision, in the exercise of the power of relocation, or any other power, makes necessary the relocation, raising, lowering, rerouting,

or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telegraph or telephone properties and facilities, or pipelines, all such necessary relocation, raising, lowering, re-routing, changing of grade, or alteration of construction shall be accomplished at the sole expense of the city, county, navigation district or other political subdivision. The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, rerouting, or changing the grade of, or alteration of construction to provide comparable replacement, without enhancement, of such facilities, after deducting therefrom the net salvage value derived from the old facility.

Section 17. The Legislature hereby recognizes there is some confusion as to the proper qualification of electors in the light of recent court decisions. It is the intention of this Act to provide a permitted procedure for an election to authorize the issuance of revenue bonds, but in each instance the authority shall be predicated upon the expression of the will of the majority of those who cast valid ballots at an election called for the purpose. Should the governing body calling an election determine that all qualified electors, including those who own taxable property which has been duly rendered for taxation, should be permitted to vote at an election (by reason of the aforesaid court decisions), nothing herein shall be construed as a limitation upon the power to call and hold an election, provided provision is made for the voting, tabulating, and counting of the ballots of the resident qualified property taxpaying electors who own taxable property which has been duly rendered for taxation separately from those who are qualified electors, and in any election so called a majority vote of the resident qualified property taxpaying voters who own taxable property which has been duly rendered for taxation and a majority vote of the qualified electors, including those who own taxable property which has been duly rendered for taxation, shall be required to sustain the proposition.

Section 18. It is hereby found, determined and declared:

(a) that the present and prospective health, safety, right to gainful employment and general welfare of the people of this state requires as a public purpose the promotion and development of new and expanded industrial manufacturing, medical and research enterprises;

(b) that community industrial development corporations in Texas have themselves invested substantial funds in successful industrial development projects and experience difficulty in undertaking additional such projects by reason of the partial inadequacy of their own funds or funds potentially available from local subscription sources and by reason of limitations of local financial institutions in providing additional and sufficiently sizeable first mortgage loans;

(c) that communities in this state are at a critical disadvantage in competing with communities in other states for the location or expansion of such enterprises by virtue of the availability and prevalent use in all other states of financing and other special incentives, therefore, the issuance of revenue bonds by political subdivisions of the state as hereinafter provided for the promotion of industrial development, employment, public health and research is hereby declared to be in the public interest and a public purpose.

This law shall be effective without the necessity of a Constitutional

Amendment to the full extent permitted by present provisions of the Texas Constitution. With respect to the powers granted herein, any provision of this law which may be effective only as the result of a change in the Texas Constitution shall become effective upon the adoption of the Amendment proposed by HJR \_\_\_\_\_, the Legislature recognizing such Constitutional Amendment may be required to enable districts to proceed under this law. In no event shall any appropriation be made by the Legislature to pay all or any part of the obligation of any issuer under the provisions of this Act, and any expenses incurred by the Commission shall be paid out of funds appropriated to that agency.

Section 19. Nothing in this Act shall be construed to violate any provision of the federal or state constitutions, and all acts done under this Act shall be in such manner as will conform thereto, whether expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such constitutions, the issuer shall have the power by resolution to provide an alternative procedure conformable with such constitutions. If any provision of this Act should be invalid, such fact shall not affect the validity of any other provisions of this Act, and the Legislature hereby declares that it would have enacted the valid provisions of this Act notwithstanding the invalidity of any other provision or provisions hereof.

Section 20. The fact that there is urgent need to provide for the Authority to proceed in the promotion of industrial development and to provide medical facilities creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Committee Amendment No. 2

Amend SB 803 by striking out all above the enacting clause and inserting the following:

An Act to be known as the Act for Development of Employment, Industrial and Health Resources of 1971; relating to the promotion of industrial development, employment, public health and research by certain political subdivisions of the State of Texas; providing the procedures to be followed and making certain findings with respect to the need for such facilities, and declaring an emergency.

The committee amendments were severally adopted without objection.

SB 803, as amended, was passed to third reading.

#### VOTES RECORDED

Representatives Braun and Nichols requested to be recorded as voting Nay on the passage to third reading of SB 803.

#### HB 1439—LAID ON THE TABLE SUBJECT TO CALL

Mr. Clayton moved that HB 1439 be laid on the table subject to call.

There was no objection offered and it was so ordered.

## COMMITTEE MEETING

Mr. Murray asked unanimous consent of the House that the Committee on Higher Education be permitted to meet at this time.

There was no objection offered.

CONSIDERATION OF LOCAL AND CONSENT  
CALENDAR OF BILLS—(continued)

## HB 1181 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 1181, Relating to certificates of title to certain motor vehicles obtained for scrap disposal, resale of parts, etc.

The bill was read second time.

Mr. Hawn offered the following committee amendment to the bill:

## Committee Amendment No. 1

Amend HB 1181 by striking all below the enacting clause and substituting therefor the following:

Section 1. Short Title. This Act shall be cited as the "Texas Abandoned Motor Vehicle Act."

## Sec. 2. Definitions. As used in this Act:

(1) "Police department" means the Texas Department of Public Safety, the police department of any city, town, or municipality, or the sheriff's department in any county.

(2) "Abandoned motor vehicle" means a motor vehicle that is inoperable and over eight years old and is left unattended on public property for more than 48 hours, or a motor vehicle that has remained illegally on public property for a period of more than 48 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours.

(3) "Demolisher" means any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

(4) "Garagekeeper" shall mean any owner or operator of a parking place or establishment, motor vehicle storage facility, or any establishment for the servicing, repair, or maintenance of motor vehicles.

(5) "Junked vehicle" means any motor vehicle as defined in Section 1 of Article 827a, Vernon's Texas Penal Code, as amended, which is inoperative and which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked, dismantled, partially dismantled, or discarded.

Sec. 3. Authority to Take Possession of Abandoned Motor Vehicles. A police department may take into custody any abandoned motor vehicle

found on public or private property. In such connection, a police department may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities for the purpose of removing, preserving, and storing abandoned motor vehicles.

Sec. 4. Notification of Owner and Lienholders. (a) A police department which takes into custody an abandoned motor vehicle shall notify within 15 days thereof, by registered or certified mail, return receipt requested, the last known registered owner of the motor vehicle and all lienholders of record pursuant to the Certificate of Title Act, as amended (Article 1436-1, Vernon's Texas Penal Code) that the vehicle has been taken into custody. The notice shall describe the year, make, model, and serial number of the abandoned motor vehicle; set forth the location of the facility where the motor vehicle is being held; inform the owner and any lienholders of their right to reclaim the motor vehicle within 20 days after the date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody, and state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.

(b) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this Act. Such notice by publication can contain multiple listings of abandoned vehicles. Any such notice shall be within the time requirements prescribed for notice by registered or certified mail and shall have the same contents required for a notice by registered or certified mail.

(c) The consequences and effect of failure to reclaim an abandoned motor vehicle shall be as set forth in a valid notice given pursuant to this section.

Sec. 5. Auction of Abandoned Motor Vehicles. If an abandoned motor vehicle has not been reclaimed as provided for in Section 4 of this Act, the police department shall sell the abandoned motor vehicle at a public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership, shall receive a sales receipt from the police department and shall be entitled to register the purchased vehicle and receive a certificate of title. From the proceeds of the sale of an abandoned motor vehicle the police department shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to Section 4 of this Act. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days, and then shall be deposited in a special fund which shall remain available for the payment of auction, towing, preserving, storage, and all notice and publication costs which result from placing other abandoned vehicles in custody, whenever the proceeds from a sale of such other abandoned vehicles are insufficient to meet these expenses and costs.

Sec. 6. Garagekeepers and Abandoned Motor Vehicles. Any motor vehicle left for more than 10 days in a garage operated for commercial purposes



after notice by registered mail, return receipt requested, to the owner to pick up the vehicle, or for more than 10 days after the period when, pursuant to contract, the vehicle was to remain on the premises, and any motor vehicle left for more than 10 days in such garage by someone other than the registered owner or left by a person authorized to have possession of the motor vehicle under a contract of use, service, storage, or repair, shall be deemed an abandoned vehicle, and shall be reported by the garagekeeper to the police department. Any garagekeeper who fails to report the possession of such vehicle within 10 days after it becomes abandoned within the meaning of this section shall no longer have any claim for servicing, storage, or repair of the vehicle. All abandoned vehicles left in garages may be taken into custody by the police department and sold in accordance with the procedures set forth in this Act unless the motor vehicle is reclaimed and the garagekeeper is paid. The proceeds of the sale shall be first applied to the garagekeeper's charges for servicing, storage, or repair, and any surplus proceeds shall be distributed in accordance with Section 5 of this Act. Except for the termination of claim for service, storage, or repair for failure to report an abandoned motor vehicle, nothing in this section shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a lienholder to foreclose.

Sec. 7. Disposal to Demolishers. (a) Any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may apply to the police department of the jurisdiction in which the vehicle is situated for authority to sell, give away, or dispose of the vehicle to a demolisher.

(b) The application shall set out the name and address of the applicant, the year, make, model, and serial number of the motor vehicle, if ascertainable, together with any other identifying features, and shall contain a concise statement of the facts surrounding the abandonment, or that the title of the motor vehicle is lost or destroyed, or the reasons for the defect of title in the owner. The applicant shall execute an affidavit stating that the facts alleged therein are true and that no material fact has been withheld.

(c) If the police department finds that the application is executed in proper form, and shows that the motor vehicle has been abandoned upon the property of the applicant or if it shows that the motor vehicle is not abandoned but that the applicant appears to be the rightful owner, the police department shall follow the notification procedures set forth in Section 4 of this Act.

(d) If any such abandoned motor vehicle is not reclaimed in accordance with Section 4, the police department shall notify the Texas Highway Department which shall issue the applicant a certificate of authority to sell the motor vehicle to any demolisher for demolition, wrecking or dismantling. The demolisher shall accept such certificate in lieu of the certificate of title to the motor vehicle.

(e) Any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher without that title and without notification procedures of Section

4 of this Act if the motor vehicle is over 8 years old and has no engine or is otherwise totally inoperable.

Sec. 8. Duties of Demolishers. (a) Any demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling, or demolition shall not be required to obtain a certificate of title for such motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender for cancellation the certificate of title or authority. The Texas Highway Department shall issue such forms, rules, and regulations governing the surrender of auction sales receipts and certificates of title as are appropriate. The Certificate of Title Act, as amended (Articles 1436-1 and 1436-2, Vernon's Texas Penal Code) shall govern the cancellation of title of the motor vehicle.

(b) The demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by him in the course of his business. These records shall contain the name and address of the person from whom each such motor vehicle was purchased or received and the date when such purchases or receipts occurred. Such records shall be open for inspection by the Texas Highway Department or any police department at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies.

Sec. 9. Junked Vehicles Declared a Public Nuisance. Junked vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the state, by producing urban blight which is adverse to the maintenance and continuing development of the municipalities in the State of Texas, and such vehicles are therefore, declared to be a public nuisance.

Sec. 10. City Ordinance for Abating Nuisance. Any city or town within this state may adopt an ordinance establishing procedures for the abatement and removal of junked vehicles or parts thereof, as public nuisances, from private property or public property; provided, however that any such ordinance shall contain:

(a) A provision requiring not less than a ten (10) day notice, stating the nature of the public nuisance and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before expiration of said ten (10) day period, such notice to be mailed, by certified or registered mail with a 5-day return requested, to the owner or the occupant of the premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than 10 days from the date of such return.

(b) A provision requiring a public hearing prior to the removal of the vehicle or part thereof as a public nuisance, to be held before the governing body of the city or any other board, commission, or official of the city, as designated by the governing body, when such a hearing is requested by the owner or occupant of the premises on which said vehicle is located,

within ten (10) days after service of notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

(c) A provision that after a vehicle has been removed it shall not be reconstructed or made operable.

(d) A provision requiring notice to be given to the Texas Highway Department within five days after the date of removal identifying the vehicle or part thereof. Said Department shall forthwith cancel the certificate of title to such vehicle pursuant to Article 1436-1, Vernon's Texas Penal Code, as amended.

(e) A provision that the ordinance shall not apply to (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard.

(f) A provision for administration of the ordinance by regularly salaried, full-time employees of the city, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

Sec. 11. Disposal of Junked Vehicles. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolishers, or any suitable site operated by the city for processing as scrap or salvage, which process shall be consistent with Section 10, subdivision (c) of this Act. A city may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the city may transfer such vehicle or parts to another, provided such disposal shall be only as scrap or salvage, consistent with Section 10, subdivision (c) of this Act.

Sec. 12. Authority to Enforce. Any person authorized by the city to administer the provisions of an ordinance of the type authorized by this Act may enter upon private property for the purposes specified in the ordinance to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the ordinance. The municipal court of any city enacting an ordinance as provided herein, shall have authority to issue all orders necessary to enforce such ordinance.

Sec. 13. Nothing in this Act shall affect statutes that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

Sec. 14. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitution Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Mr. Hull offered the following amendments to Committee Amendment No. 1:

Amend Committee Substitute to HB 1181 by adding the following subsections to Section 1

(6) "Storage Facility" means a garage, parking lot or any type of facility used for repairing, storing, or parking motor vehicles.

(7) "Vehicle" means any motor vehicle subject to registration in this state.

Signed: Hull and Ogg

Amend Committee Substitute to HB 1181 by amending Section 4 by adding a new subsection (b)

(b) Whenever any vehicle has been stored, parked, or left in a storage facility for a period of twenty (20) days after the original date of storage, the facility owner shall notify in writing the following:

"(1) the Chief of Police or City Marshal of the town or village where the storage facility is located;

"(2) the owner of the stored vehicle; and

"(3) any holder of a lien on the stored vehicle.

Signed: Hull and Ogg

Amend Committee Substitute to HB 1181 by amending Section 4 by adding a new subsection (c) and renumbering all subsequent subsections

(c) (a) Notice shall be given by certified mail within five days after the end of the 20-day period designated in Section 2 of this Act.

"(b) The notice shall include the make, year of manufacture, motor number, serial number, license number, date of original storage, and location of the vehicle. An itemized list of the charges against the vehicle, the daily rate charged for storage, and the name of the facility owner shall also be included in the notice.

"(c) Any storage facility that fails to comply with the notice provisions of this Act may not collect any storage charges for storage in excess of twenty (20) days.

Signed: Hull and Ogg

The amendments were severally adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

Mr. Hawn offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend HB 1181 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act providing for the definition of certain terms; granting authority to take certain abandoned vehicles into custody; providing for certain notices to registered or recorded owners and lienholders of vehicles deemed abandoned and for the contents of such notices; establishing rights of owners or lienholders to reclaim vehicles deemed abandoned; requiring the public auction of abandoned vehicles and providing for title to the vehicle by a purchaser at a public auction and providing for the distribution of the proceeds from the sale of abandoned motor vehicles; declaring certain motor vehicles to be abandoned upon the premises of a garagekeeper, providing for the custody and public sale thereof, and the distribution of proceeds; providing for the demolition and disposal of certain motor vehicles; declaring junked vehicles as public nuisances; providing for provisions to be required in city ordinances; providing for disposal of junked vehicles; authorizing officials to go on private property for inspection or removal of junked vehicles; and declaring an emergency.

The committee amendment was adopted without objection.

HB 1181, as amended, was passed to engrossment.

#### ADJOURNMENT

Mr. Jim Nugent moved that the House adjourn until 11:55 a.m. today.

The motion prevailed without objection.

The House accordingly, at 11:40 a.m., adjourned until 11:55 a.m. today.

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#### SEVENTY-EIGHTH DAY—WEDNESDAY, MAY 19, 1971

The House met at 11:55 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Burgess	Dramberger	Haynes
Adams	Bynum	Earthman	Head
Agnich	Caldwell	Farenthold	Heatly
Allen, Joe	Calhoun	Finck	Hendricks
Allen, John	Carrillo	Finnell	Hilliard
Allred	Cates	Finney	Holmes, T.
Angly	Cavness	Floyd	Holmes, Z.
Atwell	Christian	Foreman	Howard
Atwood	Clark	Gammage	Hubenak
Baker	Clayton	Garcia	Hull
Bass, B.	Coats	Golman	Johnson
Bass, T.	Cobb	Grant	Jones, D.
Beckham	Cole	Graves	Jones, E.
Bigham	Craddick	Hale	Jones, G.
Blanton	Cruz	Hanna, Joe	Jungmichel
Blythe	Davis, D.	Hannah, John	Kaster
Bowers	Davis, H.	Harding	Kilpatrick
Boyle	Denton	Harris	Kost
Braecklein	Doran	Hawkins	Kubiak
Braun	Doyle	Hawn	Lee